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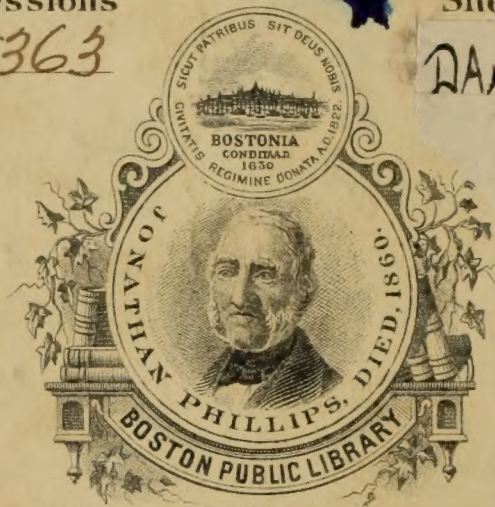
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FROM THE
Phillips Fund.

Added May 25, 1859

The Mind of the Frontispiece.

SEE the World's Glory once, here sits for
Expos'd to Foreign, and Domestick scorn
Britannia who so many Foes withstood
Her Bowels torn, by her own Vices
Her Sons, most damnably Religious grown,
Canted the *Diadem* and *Mitre* down,
And Zealously usurpt both Church, and Crown;
Look on that *Axe* embred in Royal gore,
A Crime unknown to *Pagans* heretofore;
Whence they their own Fanatick Zeal applaud,
On Loyal *Strafford*, and on Pious *Laud*.
Th' *Egyptian* Frogs into the *Palace* came,
And *Corah* offer'd with unhallow'd Flame:
These Priests of *Jeroboam* gave command,
And spoil'd with Locusts all our fruitful Land:
Yet Loyalty, and Devotion was the word,
Interpreted by Moderns, Fire and Sword.
Urim and *Thummim* on a Rebel's Brest
Are only two hard Names for Interest.
This was the great *Diana* they ador'd
Who th' *Whore of Babylon* so much abhor'd,
And leudly fought the Battels of the Lord.

Like *Bifrons Janus* next does court your Eye,
Rome and *Geneva* in Epitome,
They Squint two ways, in the main Point agree;
Herod and *Pontius Pilat* thus at strife,
Shook hands to take away a Spotless Life.

Now turn your Eye to th' busie *Saint* behind,
That *Brummigham Uniter* of Mankind,
With fiery Breath he doth the *C A U S E* promote,
But on the *Bible* stamps his cloven foot.

Behold that Dismal Scene of Fire, and War,
The Terrors of th' Avenging Sword from farr;
Then look above, and view that piercing Eye,
Which saw and winkt at the Conspiracy,
Till Heaven's Enemies were ripe for doom,
Then saw the *Martyr's* Son Return with Triumph Home.



R. White sculp.

Printed for S. Mearne, T. Dring, B. Tooke, T. Sawbridge, & C. Mearne.

A N
Impartial Collection
OF THE
Great Affairs of State,
From the Beginning of the
SCOTCH REBELLION
In the Year MDCXXXIX.
To the Murther
OF
King CHARLES I.
WHEREIN
The first Occasions, and the whole Series of the late Troubles
IN
England, Scotland, & Ireland,
Are faithfully Represented.

Taken from Authentick Records, and Methodically Digested,

By JOHN NALSON, LL.D.

V O L. I.

Published by His Majesties Special Command.

L O N D O N,

Printed for S. Mearne, T. Dring, B. Tooke, T. Sawbridge,
and C. Mearne, MDC LXXXII.

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Phillips fd
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May 25, 1859

TO THE
KING'S
Most Excellent
MAJESTY.

ILLUSTRIOUS SIR,



Here is something in Truth so innocently bold, as gives to her an humble assurance to approach not only the Thrones of Princes, but of Heaven it self: and considering the numerous and potent Enemies who endeavour to Destroy her, she has need of the Patronage and Protection of both. And of this the Author of this humble Offering which is here Dedicated to Your Sacred Majesty, is so extremely sensible, that he does in all humility prostrate himself at Your Royal Feet, to implore Protection from Your Majesties Bounty and Goodness. And that he
may

E P I S T L E D E D I C A T O R Y.

may not seem to owe that, which he only hopes from Your Majesties Generous Inclinations, to any Arguments or Importunities, he has nothing further to add to his Desires, besides the Liberty to offer up the sentiments of his Soul, in Loyal and Dutiful Prayers for Your Majesties Happiness here, and that You may be Crowned with a Glorious Immortality hereafter.

May that Glorious Providence, which hath by a constant series of repeated Miracles Conducted Your Sacred Majesty through so many admirable Events and vicissitudes of Fortune, and to the Admiration of the Universe, so constantly and wonderfully Preserved Your Illustrious Life from all the Attempts of Yours and the Nations Enemies, still be Your mighty Guardian and Defender, Establishing Your Throne, and Lengthning Your Days, and the Tranquillity of Your Subjects under Your most Auspicious Reign. And that Your Majesty may be the most Renowned and Glorious Monarch, as You are the First Prince that was Born Heir to these Three Kingdoms, that ever swayed the Scepter of the BRITISH Islands, the Joy and Glory of the present, and the Wonder of all succeeding Ages; and that Truth and Peace may not only Flourish in Your Days, but that there may be to us and our Posterity, by the happy Influence of Your Majesties Just, Wise, and Religious Government, abundance

EPISTLE DEDICATORY.

dance of Peace so long as the Moon indureth; that You may have Dominion also from Sea to Sea, and from the River unto the Ends of the World, that they who dwell in the Wilderneck may bow down before You, and all Your Enemies may lick the Dust; and that Your Majesty may be as Happy in all things as Your Heart can desire, and Heaven can make You; are the most ardent Prayers of

May it please Your Majesty,

Your most Sacred Majesties

Most Humble, most Dutiful,

And most Obedient Subject,

NALSON.

The Introduction.



Nothing is more certain, than, That to pursue the Heels of Time in the Historical Account of the Affairs of a Mans own Countrey, at too near a distance, is an Attempt not without Discouragement, and sometimes Danger; since it must of Necessity raise the Author so many Enemies, as there are Persons then in being, whose Actions possibly having been such, as will not recommend their virtue to Posterity, will take it ill, to see what figure they are like to make in History, in future Ages; and who therefore will in probability attempt the vindication of their own Reputation, by endeavouring to ruin that of the Author, or if they can, repay him with greater Injuries: but on the other hand, how disadvantageous soever it may be to the Historian, to write of Transactions within so fresh a View, it must be of great advantage to the History; for as Time is the Mother of Truth, so she is likewise of Error: and many things, relating to matter of Fact, are in a few Years lost and forgotten, and others which may be Traditional falsehoods imposed upon the World: and by how much any History fails of Truth, so much it wants of its Native and Genuine Beauty; History without Truth or with a mixture of Falsehood, degenerates into Romance, which may delight the Fancy, but will not much improve the Understanding, or Conduct the Reader into those practical and useful Experiences so advantageous in the Management of Humane Affairs; whereas, whilst the Circumstances as well as Substance of Affairs are fresh in the remembrance of so many living Witnesses either of their Truth or Falsehood, it would be a folly nearly related to madness, for any person to attempt to impose upon the World; and impossible for him to do it without Discovery, and the consequence of it, which is, if it be voluntary, Disgrace and Infamy to the End of the World.

I will not pretend to the Perfection of Infallibility; but as every person ought to be, I will, and I hope without Vanity I may aver my self a Votary of Truth. And that in all things to the best of my Understanding, I have made my Applications to that Beauteous Queen, and to her only: and if I had no other Temptation than the Glory of serving her, yet the Value I set upon a Good Name the brightest Jewel a private person can possess, would have obliged me to deal ingenuously and clearly with the Reader of these ensuing Colicctions; from whom since the Author can expect no other Reward but a Charitable and kind reception of his Endeavours, he cannot be supposed to consult even that little Interest of his Reputation, if he shall affront and abuse the Persons with Counterfeits, whom he pretends to Oblige with the Jewel of Truth.

I must confess, in the following Discourse I have not tied my self strictly to the Rules of a Bare Collector, but indulged my self in the Liberty of an Historian, to tie up the loose and scattered Papers with the Circumstances, Causes, and Consequences of them; and should I have been singular therein, yet I think the Light which it will give to the Matters of Fact, and the diversion and Satisfaction it may afford the Curious and Inquisitive Reader, may so far oblige him as to procure his Pardon, if not his Thanks: and indeed without this it was, I found, impossible to accomplish my chief Design, which was to do Right and Justice to the Government, and the Illustrious Memories of some Persons that were the great Actors upon the late Theatre of *England*, upon which I found some Persons endeavouring to commit a Second Murder; and with insatiate Malice pursuing the Reputation of those Innocents whom they had brought to untimely Graves: and attempting the Defence of their own Innocence by rendring the other Criminal, and palliating one Villany by another and greater. And howsoever some Persons may herein Charge me with Acting out of my proper Sphere, and that some of the Inferences and Observations are not without partiality, I shall attempt no other Justification of them than their conformity to Truth, from which if any of them be found to straggle or deviate, my own hand shall be ready to throw the first stone at such Adulterations of Truth and History: but if upon the severest Examination they be found to have their Foundation built upon Reality, as I speak it confidently I hope they will, I have learn'd not to value the breath of the Censorious or Concerned, who will for their own sakes decry, even Truth it self, and endeavour to make it appear false, that they and their Actions which cannot indure the Day; may appear Innocent. And indeed whatever Opinion I may fall under, the dissatisfaction which I have met with my self in Reading such naked and bare Relations of matters of Fact, would not permit me to fall into that, which I condemned as an Error in others; and having found it a sensible disappointment to be left groping in the dark and unpleasant Night of Conjectures, I could not but in Charity lend the Reader all the Light I could possibly furnish him with. I have alwaies my self esteemed those Histories which do only tell us the bare Tale of great Transactions and Revolutions of States and Kingdoms, as guilty of a *Cætera desiderantur*, and extremely baulking to the Expectation: and not thinking my self wholly different from the rest of mankind, if I have measured others by that Standard, and given them the same measure, I would have, I may have been foolish perhaps, but I am sure not unjust. I have therefore not only told the Reader a long Story that such and such great and uncommon Events have happened, but I have also endeavoured to acquaint him with the Real Grounds, Causes and Occasions of those memorable Transactions: and to serve him in it, have made my own Toyl in diving so deep to find the Pearl of Truth among so many Oysters, treble to what it would otherwise have been; which gives me hopes, That among the Ingenuous I shall at least not be disesteemed for my being too diligent to serve them.

I could not tell the World that such a Person as Dr. *Bastwick* had been fined, Pillory'd, Imprisoned and Banished, and that the Parliament did so warmly Espouse his Cause, and that he and his Fellow-Sufferers, were, with *Hosanna's* reconducted into the City of *London* in Triumph, but I thought my self in Justice to the Government bound to give an Account of the Temper and Genius of the Man, and of what Leaven they were

who

who compos'd that Tumultuary Procession: and indeed without this Light Posterity must of Necessity conclude the Government Unjust, Cruel and Tyrannical, and the Doctor Innocent and a kind of Martyr, or at least a Confessor for the Liberty and Religion of the Subject. Whereas when from his own mouth a Measure is taken of the man and his Conversation, and how that Occasion was the Contrivance of Licentious and Disorderly People, in affront to the Establish'd Justice, Government and Religion of the Nation, Posterity will apparently see that Faction prevail'd against Justice, and that *Bastwick* was so far from deserving that Extraordinary Vindication, that had he lived in any other Age, or under any other Government than of the mildest Prince in the World, so notorious an Incendiary and mover of Sedition, would have met with a far more severe Punishment, and have paid his Life for the Price of his Crimes.

But that I may come nearer to the matter, I must inform the Reader That I had these Prospects, as the Basis and Foundation of the following Discourses.

First, To Prevent those false Impressions which have been endeavour'd to be made upon the minds of the Subjects of this Ancient and most admirably Constituted Hereditary Monarchy, by prepossessing them with Partial and False Accounts of the late Tragical Revolutions. And in order to that,

Secondly, To manifest the Innocence of the Government, and vindicate it from those Notorious Detractions and Calumnies, which some Factious and Turbulent Spirits, who have had all along a Design to Subvert the Establishment both of Church and State, have always endeavour'd to fix upon it; persuading the Nation of strange Designs to Introduce Arbitrary Government, and reestablish Popery: whereas the Truth is, and I doubt not but to make it appear, That these Popular Bugbears, were only the Contrivance of the Antimonarchical and Schismatical Faction, to draw in a Party, thereby to enable them to carry on their own Wicked Designs, of at least Reducing the Monarchy to an Impotent *Venetian* Seignior; and utterly to Extirpate the most Apostolical Government of Episcopacy, and set up the Anarchy of Toleration or Liberty of Conscience in the Church.

And Lastly, In perfect Charity to succeeding Ages, to set up Buoys, Beacons, and Light-Houses upon the dangerous Coast of Disloyalty, and to give a True Chart of the Treacherous Quicksands of Popularity, and the dangerous Rocks, which lying undiscovered under the smooth Surface of Pretences, to maintain Liberty, Property, Protestant Religion, and Priviledges of Parliament, betrayed us into the most deplorable Shipwreck that *England* ever saw, even to the intire loss of all these valuable things which were pretended to be preserved; and that by the Fatal Example of their Ancestors, the Generous *English* may learn that necessary Caution, To be Wise at the Expence of their unhappy Progenitors; and being enabled so easily to discover the Cheat of those Factious Mariners, who pretend to save the Vessel by throwing the Captain and Pilots over-board, they may prevent and avoid a Second Shipwreck.

That I may do this with as much brevity as the Subject will admit, to avoid the Old Rock, *Brevis esse laboro, obscurus fio*, I must intreat the Readers Patience to travel with me a few Stages backward in the Revolutions of this Nation, and that we may understand the true reason of the late dreadful Innundation of a Calamitous Civil War, which overturned even the very Foundations of the Government both Civil and

Sacred; we must trace this overflowing *Nilus* of Rebellion to its head, and the Secret Springs from whence it had its true Rise and Original.

But before I come to that, it will be necessary to speak something of the Anticipation which a certain Gentleman in his *Historical Collections*, may, to the prejudice of Truth, though I hope not designingly, have put upon the minds of the more incautelous, and less able to penetrate into the Secret Mines and Contrivances, Conduct and Management of the late Revolutions in these Kingdoms.

I confess it is a Province not at all agreeable to my inclinations to fully the Reputation of any Gentleman, and were I naturally of a Vindicative Temper, I do not lie under the least temptation to quarrel Mr. *Rushworth*, being not so much as personally known to him, or having ever exchanged an hours Conversation with him. The difference between us therefore, is neither of *Meum* and *Tuum*, or the foolish trifles Honour or Affront, but perfectly a certain Rivalism, which of us shall with more Sincerity serve the Interest of our Countrey by the discovery of Truth; and therein I think I may modestly represent the failures of that Gentleman, without transgressing the Common Rules of Decency and good breeding. The Truth is, if Mr. *Rushworth* leans apparently to one side, I would attribute it to his having grown so long, even from his very first taking Root in the World, under the influences of that Whirlwind of Rebellion; we know in Climates where tempestuous storms frequently blow from one Quarter, even the Oaks are apt to comply with them, and naturally grow inclining according to the Direction of those Winds. And therefore, it will be the less wonder, if in his declining Age he drops those Collections of his younger years, tinctured with the same Juice and Sap which gave him Growth and Nourishment. There is a strange prevalency in Education, Custom, and Respect to those who have been our Benefactors, though otherwise ill men; and under all these it was this Gentleman's misfortune to labour; and one can hardly consider Mr. *Rushworth*, advanced to be Clerk Assistant to the House of Commons of November 3. 1640. see him intrusted with the great riding Affairs of the House, in taking the Examination of the lamentable Cruelty of the Cavaliers at *Braintford*, and posting upon intermessages and fatigues at the *Oxon* Treaty, and to the Lord General *Essex*, &c. One cannot see the House in requital of his Industry Voting him Recompences

* *wednesday, June 14. 1643. Jour. Dom. Com.*

Ordered, That the Mare and Young Horse, belonging to Mr. *Endimion Porter*, lately brought up from *Enfield* to London, be forthwith delivered to Mr. *John Rushworth*, to be employed in the Service of the Parliament in sending Messages between this House and the Lord General, and the Persons that seized them are hereby required forthwith to deliver them to the said Mr. *Rushworth*.

Tuesday, June 27. 1643. Journ. Dom. Com.

Resolved, That Mr. *John Rushworth* shall be recommended to the Committee of this House for Excise, and to the Treasurers and Commissioners, to be employed in some Office or Place suitable to his Condition, and the Recommendation of this House, towards a Recompence for the several Services he hath done for the Kingdom.

and Encouragements,* at one time a brace of stout Malignant Horses, &c. One cannot consider him as afterwards preferred to be Secretary to his Excellency the Lord *Fairfax*, and both himself and his Master under the warm influences and sunshine of *Oliver's* Nose, in the Victorious Army of the Godly and well-Affected Party, who were in Arms to remove Evil Councillors, and render his Majesty a glorious King, I say it is almost impossible to consider him under all these Circumstances, capable of warping a very robust integrity, but one must conclude

him, besides the strong bent of having been an Actor upon the Stage, almost within the danger of being an Ingrate, if he did not endeavour as much as they will bear it, to palliate, at least, if not justify, the proceedings

ceedings and actions of those men and times; it is a hard penance to lash a man's own back till the blood comes, and we will not suppose the Gentleman so much a Bigot or so Popishly affected, to believe there ought to be any Purgatory even in this Life, or that a neat palliation of Guilt, may not avoid the more uneasy Task of Repentance.

There is also a strange natural propensity to that ancient piece of *Persian* Idolatry; and though it was Mr. *Rushworth's* misfortune, as it was of a many more, to mistake the short-Liv'd Meteor *Richard Cromwel*, for the Rising Sun, yet the early Adoration of Dedicated his Labours to the Son of an Usurper, may have been one great reason why they were Calculated for that Meridian; it being very improper to expect Preferments and Rewards, by telling the Son that his Father was a Rebel and a Murderer, and was advanced to that Height of Usurpation by all the Methods and Artifices of Villany and Wickedness. All which considered, Mr. *Rushworth* will appear under the Fatality of a Necessity, if he must write, to write *ex parte*, and as such ought to be accounted, and read with those grains of Allowance to Humane Frailty, which certainly put into the Scale, will turn it from the Exact Standard and Beam of Truth.

But that I may deal with Freedom, I do no less abhor Flattery than I recoil at Detraction, and I must not so far Complement Mr. *Rushworth*, as to forget my Duty to Truth and Justice; I will therefore with honest plainness inform the Reader with not only my own Sense, but the Opinion and Judgment of those persons who are not to be either despised or disproved: and if any demand who those are, I Answer, the Persons that make the Question; to whom I will appeal for the Determination of the Difference, and if I do not make it appear, That Mr. *Rushworth* hath concealed Truth, endeavoured to vindicate the prevailing Detractions of the late Times as well as their Barbarous Actions, and with a kind of rebound Libel'd the Government at second hand, I will be contented the Award shall go against me.

I might insist upon the Frontispiece which is no better than an infamous Libel upon the Memory of the Glorious Martyr King *Charles* the First, and as insolently express in the Bald Rhythms, provocation enough to fix upon it a *vexatus toties rauco Theseide Codri*. For he describes a Hand with a Sword coming out of a Cloud, the common Emblem of Divine Justice, and this he calls the Paw, and explains it with this Distich.

*The Paw points out the Calidonian Fars,
Sad Harbingers to our Intestine Wars:*

Then having made Providence or Divine Justice one Party, he brings in King *Charles* of Glorious Memory for the other Combatant; to let you know the late War was on his Majesties part a kind of Gigantomachy, a Fighting against Heaven. For he proceeds to Explain his Figure thus:

*The Lion passant guardant wonders much
The Paw should dare presume his Chief to touch.*

And lest you should mistake him, he interprets it thus:

*The Paw invades the Lion at Tyne flood,
They Fight, make Truce, and stop from shedding blood.*

But

But to put it out of doubt in the Sculpture to which the following Couplet is directed, is the Picture of the King going to demand the five Members, which he thus Expresses :

*The Parliament Conven'd the Lion try'd
By Charging five, the Members to divide.*

And a little after he does in Effect, and truly that is the Effect of his whole Collections, charge the King in Epitome, with the Guilt of all the Calamities and Miseries of the Late Rebellion, and I dare appeal to Mr. *Rushworth* himself, if in this Couplet and all his ensuing Discourse that was not his real Design and Intention. You shall hear his Poetry, and something of his Prose hereafter to the same purpose.

*The Lions third Roar proving fatal drew
Such Woes as rarely former Ages knew.*

So that you see the poor Lion must bear all the blame, and to make good his Frontispiece, his Collections are the malicious part of the Transactions of publick Affairs, pickt out of the whole Mass and represented with all the disadvantages that can be found out to justify the Actions of the late Rebels.

I do not intend to trace Mr. *Rushworth* through his whole Work at present, though perhaps more Leisure and the kind Reception of this may tempt me to something of that nature hereafter, so far as it is possible to be done; he having in many passages rendred himself a fifth to *Solomon's* four things, a Serpent on a Rock, an Eagle in the Air, a Ship in the Sea, and a Man with a Maid, whose ways are not known, giving no liberty of Examination, while he does not inform us where he had his Stock. I shall only content my self with some short but true Observations, from which the Reader by his very natural Mathematicks, will easily be able *Ex pede Herculem & ex ungue Leonem*, to take the true proportion of this Author by these scantlings; and by them he will find that his true Character is, that which he seems so wonderfully to disclaim in his preface, a person who intermingles his particular Passions and Inclinations with his History, and is not contented to write of, but most manifestly for, a Party; and indeed in the whole proves himself a better Advocate than an Historian, writing with such a strong byass of Partiality, as I think will not only be evident has drawn him from the white of Truth, but will make a forfeiture to the Reversion of the Learned *Spaniard's* Remarque with which he concludes his Preface, *Satis est Historiæ si sit vera; quæ ut reliqua habeat omnia, si veritatem non habet, obtinere nomen suum non potest.* Upon which Issue let us joyn and let him stand or fall by that Umpirage and Determination.

I shall not trouble my self or the Reader with the moats in our Author's Eyes; but present him with those beams which have hindred him from seeing and consequently speaking Truth. And the first thing I shall Remark is that Speech of King *James*, 10 *Jac. Jan.* 30. to his Parliament in 1620. That he has not only Printed a False but most Erroneous Copy is most Evident, both by comparing it with the Copy Printed in Doctor *Franklin's* Annals of King *James*, which I think is not so perfect, and this which is here presented to the Reader which was communicated by a most * Reverend Prelate, in whose Custody the Original *M. SS.* now remains;

* His Grace
William Lord
Archbishop of
Canterbury.

remains ; and Evidences its own Antiquity. And had Mr. *Rushworth* been so kind to have let us know where he had his Copy, it might have been some Excuse for what he has therein indeavoured to obtrude upon the World, which is a notorious false State-Maxim, as I do not doubt to convince the Reader in the close of these Speeches. I have here printed them in Columns that the Reader may with less difficulty compare them.

Mr. *Rushworth's* Copy.

King James his Speech to the Parliament.
An. 1620. Jan. 30.

*My Lords Spiritual and Temporal,
and you the Commons,*

*My Lords Spiritual and Temporal, and
you the Commons,*

CU*i in multiloquio non deest peccatum. In the last Parliament I made long Discourses, especially to them of the Lower House ; I did open the true thoughts of my heart : But I may say with our Saviour I have piped to you, and you have not danced, I have mourned and you have not lamented. Yet as no man's Actions can be free, so in me God found some spices of Vanity, and so all my sayings turned to me again without any success.*

and now to tell the reasons of your Calling and this Meeting, apply it to your Selves, and spend not the time in long Speeches.

Consider, that the Parliament is a thing Composed of a Head and a Body, the Monarch, and the Two Estates.

IN *multiloquio non deest peccatum*, saith the wisest man that ever was, and this Experience I have found in mine own Person ; for 'tis true, there have been many Sessions of Parliament before this, wherein I have made many Discourses to the Gentlemen of the Lower House, and in them delivered a true mirror of my Heart : but as no Man's Actions, be they never so good can be free from Censure, in regard of the Excellency to make perfection, So, it may be, it pleased God seeing some Vanity in me to send back my words as * wine spit into my own Face, so as I may truly say I have piped unto you, but you have not danced, I have often mourned, but you have not lamented. But now I have put on this Resolution for the few days I have to live in this World, wherein I know not how far I have offended God, and if it please you especially of the Lower House to apply this Rule unto your Selves, you may find the more fruit.

Now to the Errant whereunto you are hither Called ; for Entrance whereunto the more Easily, I will begin with the General Condition of a Parliament, not to instruct you whom I suppose not to be ignorant, but to refresh your Memories.

And first, with what a Parliament is ? It is an Assembly Composed of a Head and a Body, the Monarch is the Head, and the *Three Estates* the Body, which are called in a Monarchy a Parliament which was used and created by Monarchs ; for Kings were before

* In Dr. *Franklin's* Copy it is, *wind*, which being very improper, makes me judge this Copy the more perfect.

fore Parliaments, who as soon as they had settled a Form of Government, and were willing that the People should be Governed by Laws Called their Parliaments. I know there are divers foreign sorts of Parliaments, some more, some less in number, but I leave them, only this I would have you to observe, that it is a vain thing for a Parliament to press to be Popular: There is in no State a Parliament without a Monarchy, the *Grisons*, *Switzers*, and *Low-Countries*, who are Governed without a King have no Parliaments, but Councils and Assemblies; This I put you in mind, that you Serve under a Monarchy, and that we must stand or fall with it: Now consider, *First*, Who Called you? Your King. *Secondly*, Whom he Calls? The Peers, who in respect of the Eminency of their Places and Highness have an Interest therein by Birth and Inheritance, because they are to assist the King in his greatest Affairs. In the next, the Church, the Clergy, not all, but the principal Heads thereof the Bishops, whose Holiness of Life doth claim a Priviledge in Advice, and in respect of their Baronies also. The Knights stand for the Shires, and the other Gentlemen for the Burroughs: of these is the whole Body compact.

Thirdly, Why ye are Called? To the End to Advise the King in his urgent Affairs: To give him your Advice in such Errands as he shall Ask of you, or ye shall think fit to Ask his Advice in.

The King makes Laws, and ye are to Advise him to make such as may be best for the good of the Common-Wealth; there is another Cause for which the House of Commons is Called, for that they best know the particular Estate of their Countrey, and if the King shall Ask their Advice, they can best tell what is amiss as being most sensible, and also Petition him to redress and amend it; they are the Authors of Sustenance also to him, to Supply his Necessities, and that is the proper use of a Parliament. Here they

It was first a Monarchy, then after Parliaments.

There are no Parliaments but in Monarchical Governments; for in Venice, the Netherlands, and other Free Governments, there are none.

The Head is to Call the Body together:

and for the Clergy the Bishops are Chief;

for Shires their Knights: and for Towns and Cities, their Burgeses and Citizens.

These are to Treat of Difficult Matters, and to Counsel their King with their best Advice to make Laws for the Common-Weal.

And the Lower House is also to Petition their King and acquaint him with their Grievances, and not to meddle with their King's Prerogative; They are to offer Supply for his Necessity, and he to distribute in recompence thereof Justice and Mercy.

are

are to offer what they think fit to supply his wants, and he is in lieu thereof to afford them Mercy and Justice.

And this I dare boldly say, and I am not ashamed to speak it, That all People owe a kind of Tribute to their King, as a thankfulness for his Love to them, and where there is this sympathy between the King and his People, it breeds a happy Parliament. And thus much of the general condition and special use of Parliaments in this Kingdom,

As in all Parliaments it is the King's Office to make good Laws (whose fundamental cause is the Peoples ill manners) so at this time, that we may meet with the new Abuses and the incroaching Craft of the Times, particulars shall be read hereafter.

As touching Religion, Laws enough are made already. It stands in two points, Persuasion and Compulsion: men may Persuade but God must give the Blessing. Jesuits, Priests, Puritans and Sectaries, erring both on the right hand and left hand, are forward to persuade unto their own Ends, and so ought you the Bishops, in your Example and Preaching: but Compulsion to Obey, is to bind the Conscience.

Now I come to the particular Causes which moved me to call this Parliament. First, In all Parliaments the King must have a special care to make good Laws; it is true, *Ex malis moribus bonæ leges oriuntur*, For the elder the World grows, men become the more crafty and sinful, and some the more wise, and for new Crimes we see there need new Laws: Here I am in a large Subject, yet because of my intended brevity, I will speak of no particulars, but hold it best to leave them to the time wherein you shall both see and read them.

As for Religion there are Laws enough, so as the true Intent and Execution follow: The Maintenance of Religion stands in two points, the first, Persuasion, which must precede, secondly, Compulsion, which must follow: for as all the World cannot create a new Creature be it never so little; so no Law of man can make a good Christian in heart, without inward Grace: the Minister by his Doctrine and good Example of Life must persuade; if this prevail not, the Magistrate must compel, and leave the success to God; for it is not good to trust to a good Cause and let it go alone; if there were not so many Priests and Jesuits, there would not be so many perverted to Evil: likewise the busie Puritans, do but mark how busie they are in persuading the People; but God forbid that I should compel mens Consciences, but leave them unto the Law of the Kingdom.

[b]

As

As touching the Rumor which is spread That I should Tolerate Religion in respect of the Match which hath been long in Treaty with *Spain* for my Son, I profess I will do nothing therein, which shall not be Honourable, and for the good of Religion, else am I not worthy to be your King: and if any thing break off the Match it shall be the Cause of Religion. The tryal which you have had of my words and writings, wherein I have been a Martyr tortured in the mouths of many idle Fellows, may give you ample Testimony of my Integrity in such sort as I hope you will trust the wisdom of your King so far, as I will never do one thing in private and another in publick, but if after this my Declaration any shall transgress, blame me not, if I see them severely punished.

Now the major Errand (I speak truth) for which I have called you is for a Supply of my urgent Necessities in urgent Causes: Ye can all bear me witness, That I have Reigned above Eighteen Years among you; if it be a fault in me that you have been at Peace all this time I pray you pardon it, for I took it for an honour unto me, That you should live quietly under your Vines and Fig-Trees, reaping the Fruits of your own Labours, and my Self to be a Just and Merciful King among you. You have not been troubled with Pressing of men nor with other inconveniences which the disasters of War produce, and yet in these Eighteen Years have I had less Supplies than any King afore me. The late Queen of famous Memory was so far Supplied in her time, that it grew to an Annual Contribution of 135000 *l.* a Year; I had never above Four Subsidies and Six Fifteenths: I challenge not more of desert than She, but sure I am, I have Govern'd as Peaceably. The time since my Supply hath been as the time of Women with Child, *Quæ decem tulerint fastidia menses*, who after Ten Months longing, are delivered

There is talk of the Match with Spain: but if it shall not prove a furtherance to Religion, I am not worthy to be your King; I will never proceed but to the Glory of God, and content of my Subjects,

‘[This paragraph betrays this Speech to be counterfeit, and only some loose gleanings of some of the remote Auditors; for can any one imagine K. James would say, There is Talk of the Match with *Spain*, without Expressing what this Talk was, and indeed the whole is so full of incoherencies and abrupt Transitions, as shew it to be spurious.]’

*For a Supply of my Necessities, I have Reigned Eighteen Tears, in which time you have had peace; and I have received far less Supply, than hath been given to any King since the Conquest: the last Queen of Famous Memory, had one year with another above 100000 *l.* per Annum in Subsidies; and in all my time I have had but four Subsidies and six fifteens.*

It is ten years since I had a Subsidy, in all which time I have been sparing to trouble you.

I have turned my self as nearly to save Expences as I may; I have abated much in my Household Expences, in my Navies, in the Charge of my Munition.

I made not Choice of an Old beaten Soldier for my Admiral, but rather chose a Young Man, whose Honesty and Integrity I knew, whose care hath been to appoint under him sufficient men, to lessen my Charge which he hath done.

of their Burthen; but I have Tra-
vailed ten years, and therefore full
time to be delivered of my wants. I
have been ever willing to spare you
till now: It is very true that two Ar-
guments were used in other Parlia-
ments against my Supplies, *First*, That
many Subsidies had been formerly
given by them, and therefore they
desired a time of Respiration. But
this Objection is now taken away:
The other was, That my Treasure
was confusedly governed by me, so
as some did not stick to say, That
they would give me all they had, were
they assured it might come into my
Purse. Now you have seen a Tryal
of my late Care in divers years last
past in looking into the particulars of
my Estate, wherein I must Confess I
have found my Revenue (as *Job's*
Friends) forsaking me. In my House-
hold Expences I have abated 10000 *l.*
per Annum. In my Navy I have aba-
ted 25000 *l.* And shortly I hope to
abate 10000 *l.* more. In my Ordinary
I have brought the Expence from
34000 *l.* to 14000 *l.* and yet I was
loth to believe at first that these were
so much out of Order; but at last by
Information of some private Gentle-
men, I was induced to enter into a
particular Survey; and herein such
was the Love of my Young Admi-
ral to me, as he took the Envy of all
upon himself for my sake: and though
he be but Young, yet I find him true
in Faith, and an honest man, and hath
had the better Success in all he hath
taken in hand: he appointed under
himself divers Commissioners, as a
Young Commander should do, the
better to preserve himself from Errors,
and yet sought no Reward but my
Good and Service, nevertheless went
through with great Diligence and good
Success; and therefore I hope the
Kingdom shall say I have now a true
Care of my Estate, not taking from
others by violence House or Land,
but governing my own with good hus-
bandry.

Buckingham.

And now I seek your Supply, not that it should fall into a bottomless Purse, but to use the same as the Necessity of my Affairs shall require,

The next Cause of your calling hither is for an urgent necessity, the miserable torn Estate of Christendom, which none that hath an honest Heart can look on without a weeping Eye: I was not the Cause of the beginning thereof God he knoweth, but I pray God I may be the Instrument of a happy Ending, I mean of the Wars in *Bohemia*.

Whereas the States Expelled the Emperor and Chose my Son in Law for their King, I was requested at the first by both sides to make an agreement between them, which cost me 3000 *l.* in sending *Doncaster* in Embassage for that purpose; in the mean time, they cast off all their Allegiance and Chose my Son, who sent to me to know whether he should take the Crown upon him or not, and yet within three days after, before I could return my Answer he took the Crown on his head; and then I was loth to meddle in it at all for three Reasons.

First, That I would not make Religion the Cause of Deposing of Kings: I leave that to the Jesuits, who make Religion the Cause to take away Crowns.

Next, I was no fit Judge between them, for they might after say to me as the *Jews* did to *Moses*, Who made thee a Judge over us? and I my self would not be content that they should judge Whether I were a King or not?

Lastly, Because I had been a medler between them, and then to determine my Son might take the Crown upon him were improper: and yet I left not off so, for as Nature compelled me to admit his good, I permitted a voluntary Contribution to preserve the Palatinate, which came unto a great Sum. For that purpose I borrowed 75000 *l.* of my Brother of *Denmark*, and now I have sent to him

Touching the miserable dissention of Christendom, I was not the Cause thereof,

*for the appeasing whereof I sent my Lord of Doncaster, whose Journey cost me 3500 *l.* My Son in Law sent to me for Advice, but within three days after accepted of the Crown; which I never did approve of for Three Reasons.*

First, For Religions sake, as not holding with the Jesuits disposing of Kingdoms; rather learning of our Saviour, to uphold not to overthrow them.

Secondly, I was no Judge between them, neither acquainted with the Laws of *Bohemia*. Quis me Judicem fecit?

Thirdly, I have Treated a Peace and therefore will not be a Party; yet I left not to preserve my Childrens Patrimony:

for I had a Contribution of my Lords and Subjects, which amounted to a great Sum. I borrowed of my Brother of Denmark, seven thousand five hundred pounds to help him, and sent as much

to

to him as made it 10000 pound; and thirty thousand pound I sent to the Princes of the Union to hearten them. I have lost no time: had the Princes of the Union done their parts, that handful of men I sent had done theirs. I intend to send by way of perswasion, which in this Age will little avail unless a strong hand assist: wherefore I purpose to provide an Army the next Summer and desire you to consider of my Necessities, as you have done to my Predecessors.

Qui cito dat bis dat. I will Engage my Crown, my Blood, and my Soul in that Recovery.

You may be informed of me in things in Course of Justice, but I never sent to any of my Judges to give Sentence contrary to Law.

Consider the Trade for the making thereof better; and shew me the reason why my Mint for these Eight or Nine Tears hath not gone.

to make it up a 100000 l. and all this I have done with high Charges; and Embassadors, and otherwise have arisen to an infinite Sum, which I have born my self, and hath cost me above 200000 l. in the preservation of the Palatinate from invading, finding no help of the rest, bestowed three hundred thousand pounds besides the voluntary Contribution: Now to take no care for a worse danger against the next Summer, albeit I will be Armed against the worser time, being it is to Treat of Peace with the Sword in mine hand: Now I shall labour to preserve the rest, wherein I Declare, That if by fair means I cannot get it, my Crown, my Blood, and all shall be spent with my Sons Blood also but I will get it for him, and this is the Cause of all, That the Cause of Religion is involved in it, for they will alter Religion where they Conquer, and so perhaps my Grand-child may suffer who hath committed no fault at all.

This is nothing without a Speedy Supply, *bis dat qui cito dat*, wherefore I trust you will not fail me now no more than you have done any of my Predecessors. And this I must trust to your Care, and I think if a man could see all your Hearts in one Face, it would testifie a general Acclamation of this my Motion.

Consider who it is that moves you, your King? and his Care of the Reformation, and the Charges which he hath disbursed, besides 40000 l. upon the Pyratial Wars, and Consider if I deserve not your Respects.

For your parts you may be informed of something to be required of me for matter of Justice: I never directly nor otherwise desired the contrary, for the which Cause I have chosen Judges of the best Learning and Integrity that I could find, and if they prove unjust I will not spare them.

It is strange that my Mint hath not gone this Eight or Nine Years, but I think the fault of the want of Mony is in the uneven ballancing of Trade; for

for other things I Confess I have been liberal, but the main cause of my wants hath been the ill Government of those whom I have trusted under me, for I will not make every day a *Christmass*, and yet it may be in some Grants I have hurt my self, and in others my Subjects, but if I be truly informed, I will rightly reform them.

But for you to hunt after Grievances to the prejudice of the King and your selves is not the Errand: deal with me as I shall deserve at your hands; I will not leave any thing undone that becomes a just King, if you deal accordingly.

I know this Parliament hath been of great Expectation, and so was that at my first coming; you I knew but not the Laws and Customs of this Land. I was led by the Old Councillors I found which the Old Queen left, and it may be there was a mistaking and misunderstanding between us which bred an abruption. And at the last Parliament there came up a strange kind of Beast called Undertakers, a name which in my Nature I abhor which caused a Dissolution.

Now you have that advantage that I call you out of my free motion, and my trust is in your good Offices: for my good Estates even all and every one shall find an honest King of me.

How happy a Fame will that be that he is revered and loved of his People, and reciprocally loves them. So shall I then be honour'd by my Neighbour Princes, and peradventure my Government be made an Example for Posterity to follow, and so I leave you.

To compare these two Speeches, one would believe, That Mr. *Rushworth* had given us only a Compendium and Epitome, or the Heads of the King's Speech. And indeed it looks like one of his Abridgments, at which as we shall in due time see, he has a very notable Faculty, and herein he has been so punctual, as to abridge the Three Estates in Parliament unto two. But though we might pass by the other incoherences, and in many places almost want of sense, yet this being an Error in the very Fundamentals of our Government, a State Heresie of most pernicious and dangerous consequence, must by no means be passed over without some Animadversion, and giving the Reader an Amulet against the Poison of this Principle,

I Confess I have been liberal in my Grants; but if I be informed, I will amend all hurtful Grievances.

But who shall hasten after Grievances and desire to make himself Popular he hath the Spirit of Satan: if I may know my Errors I will reform them.

I was in my first Parliament a Novice;

and in my last there was a kind of Beasts called Undertakers, a dozen of whom undertook to govern the last Parliament, and they led me.

I shall thank you for your good Office, and desire that the World may say well of our Agreement.

Principle, which has infected besides the incautelous and designing, even many of the Long Robe, who ought to be more conversant and acquainted with the Records of their Profession, which would with ease have informed them of their mistake.

It is a known Maxim in Logick and of undoubted Verity, that *Coordinata se invicem suppleant*; and whoever indeavours to make the King of *England* one of the Three Estates in Parliament, does at the same time alter and Subvert the Monarchy which consists in Sovereignty, Supremacy, and Superiority. And by rendring the King only a Member robs him of the greatest Prerogative of his Crown, which is to be over all persons, and in all matters as well Ecclesiastical as Civil, Supreme Governor, which he is declared to be in the Oath of Supremacy, by Act of Parliament, 5. *Eliz. Cap. 1.* and the dangerous Consequence of this Opinion was sufficiently made appear by that slip of his Late Majesties Pen in a Declaration sent from *Tork*, *June 17. 1642.* where after the Bishops being Expelled the House, he seems to account himself one of the Three Estates, which being once dropt from him fell not to the Ground, but was immediately taken up by some of the leading men of the Parliament, who made use of it as a Foundation for their Usurped Coordinacy of Authority, till at the last having ruined him by force of Arms, which they justified upon that supposition, they advanced from Coordinate to Inordinate Power, making the King Subordinate to themselves, and submit to the most barbarous Effects of Tyranny and Usurpation, and bow his Illustrious Neck to the infamous stroak of the Ax of their pretended Justice and Authority: A Tragedy, were there nothing else to be said against this Principle, so fatal to the *English* Laws, Liberty and Religion, sufficient of it self for ever to sink the Reputation of Coordinate Power of Parliaments, with all Loyal Subjects and good Christians; and which cannot well be Embraced and Defended so warmly as it is by some Persons, without a just suspicion that they are managed by the same Principles, and aim at the same Ends with those infamous Traytors and Regicides.

To dethrone this usurping Principle, there needs nothing of the multitude of Authorities both Profane and Sacred which might be produced to Encounter it, our own Oracles of the Law and the plain Letter of our own Laws, are sufficient not only to persuade but compel Belief. *Bracton* says of the King, *Omnis sub eo est, & ipse sub nullo, nisi tantum sub Deo.* *Cook* lays it down for a Maxim, That the King is *Caput, principium & finis Parliamenti*; the very Life and Soul of that Representative Body. *Dyer* tells us That the King is the Head and that the Lords and Commons are the Members. *Dyer, fol. 60. pl. 19.* Our Statute-Law speaks the same Language throughout. Thus the words of the Statute of Premunire, 16 *Rich. 2. cap. 5.* inform us, that the Crown of *England* hath been so free at all times, That it hath been in no Earthly Subjection, but immediately subject to God in all things touching the Regality of the same Crown, and to none other. So that pretenders to Coordinacy or Superiority over our Kings must by that Rule pretend to the Popish Antichristian Divinity of sitting in the Temple as God, and Exalting themselves above all that is called God on Earth. The same speak all the Statutes for the Kings Supremacy, as may be seen at large.

And particularly that there are Three Estates in Parliament without the King, and of which he is the Head; the Statute 1 *Rich. 3.* of late much bandied about the point of Succession makes most clear, for the words are, *That whereas the Court of Parliament is of such Authority, and*

The Reader may either consult Rot. Parl. tent. apud west. die ven. 23. die Jan. 1 R. 3. Or, *The Exact Abridgement*, fol. 712. where the whole Record is Printed.

1 Eliz. c. 3.

the People of this Land of such a nature and disposition as Experience teacheth, That Manifestation or Declaration of any Truth made by the Three Estates of this Realm Assembled in Parliament, and by Authority of the same, maketh before all other things most faith and certainty, and quieting mens minds, removeth the Occasion of all doubts and seditious Language.

It is to be hoped that the subsequent Declaration of Truth will have the same Effect, which follows :

Therefore at the Request, and by the Assent of the Three Estates of this Realm, [and to remove all doubts, observe who these Three Estates are] That is to say, the Lords Spiritual and Temporal, and Commons of this Land Assembled in this present Parliament, Be it, &c. For by this it is as perspicuous as the beams of day, That the King is not reputed one of the Three but the person to whom the Request is made by the Three Estates, that is to say, Lords Spiritual, Temporal, and Commons.

But that which must for ever put this Question out of doubt, is the Act for Recognition of Queen *Elizabeth* to the Imperial Crown of this Realm, where stiling themselves her Humble, Faithful, and Obedient Subjects, Terms altogether unsuitable to Coordinate Powers, the Lords Spiritual and Temporal, and Commons in Parliament Assembled, after having set forth the Queens Title to the Crown by inheritable Descent and lineal Succession, they proceed as followeth : *For which Causes we your said most Loving, Faithful and Obedient Subjects, representing the Three Estates of Your Realm of England, as thereunto constrained by the Law of God and Man, except we should over much forget our Duties to your Highness and to the Heirs of your Body lawfully begotten, can do no less but most humbly beseech Your Highness, That by the Authority of this present Parliament it may be Enacted, Established and Declared, That we do Recognise, Acknowledge and Confess the same Your Estate, Right, Title and Succession, as is aforesaid, to be in Your Highness, &c. And thereunto most Humbly and Faithfully we do Submit our Selves, our Heirs and Posterities for Ever.*

What can be more plain ? Here are the Three Estates in Parliament, representing the whole Body of the Kingdom, owning themselves Faithful and Obedient Subjects to the Queen, who therefore cannot be one of them, it being impossible She should be both Sovereign and Subject too, as she must be, if one of the Three Estates of this Realm.

And now since we have found Mr. *Rushworth* so Exquisite at Abridgments as to shorten the Parliament of one of the Three Estates, let us see how he manages this Talent upon other Occasions. When the House of Commons were so hot upon the Impeachment of the Duke of *Bucks*, Anno 1626. 2 Car. He tells us that upon the Impeachment of the Duke, a Paper was privately conveyed to the King, but does not tell us where he had it, that so we might have recourse to it ; but according to his way falls to abridging the Paper. I find it in the *Cabala*, or *Scrinia Sacra* of Letters, fol. 277. at large ; Now why Mr. *Rushworth* should abridge this Paper unless with design to smother Truth, I can make no conjecture. The Reader by comparing the true and full Copy with the Abridgment will find, that it was not much to his purpose whose design was to blanch and smooth over the Actions of those men and times, and therefore whereas the Paper gives a true Character of the mal-contents of several parties, and affords too much light into the Tiring-room of Rebellion, and the Intrigues of the Faction which was none of Mr. *Rushworth's* business to discover, he gently draws the Curtain of an Abridgment, and by Epitomizing not only obscures, but in many places quite corrupts and disguises the sense.

Now

Now in regard it will not only unvail his particular Artifice in the whole course of his Collections, which is by false lights to retail his adulterate Commodities, but will also in a great measure contribute to the vindication of his Late Majesty in this Affair of the Duke, and shew the underhand Combinations of the Faction, together with the Names of the principal Contrivers and the secret springs which gave life to the whole movement both of their present and future Designs and Actions, I think it will not be ingrateful to the Reader to present him with it, as a Key to unlock not only many great Mysteries of that Age, but with a little Alteration it may possibly be serviceable and accommodate even to after-times, and may afford those hints, which wise men may be able to improve to their own satisfaction, and the service of their King and Countrey.

Mr. *Rushworth's* Abridgement
of the said Letter.

*Upon the Impeachment of the
Duke a Paper was privately
conveyed to the King import-
ing,*

*That this great opposition against
the Duke was stirred up and
maintained by such as seek the
destruction of this free Monarchy.
Because they find it not yet ripe
to attempt against the King him-
self, they endeavour it through the
sides of the Duke.*

*The persons agreeing in this one
mischief are of divers sorts and
humors.*

*First, Medling and busie per-
sons who love Popular Speeches.*

The Letter as it is Printed in the *Ca-
bala.*

To his most Sacred Majesty, ab ignoto.

MA Y it please his most Excellent Majesty to Consider, That the great opposition against the Duke of *Buckingham* is stirred up and maintained by such who either maliciously, or ignorantly and concurrently seek the debasing of this free Monarchy; which because they find not yet ripe to Attempt against the King himself, they endeavour it through the Dukes sides.

Those men though agreeing in one mischief, yet are of diverse sorts and humors, *viz.*

First, Medling and Busie Persons, who took their first hint at the beginning of King *James*, when the Union was Treated of in Parliament: that Learned King gave too much way to those popular Speeches, by the frequent proof he had of his great Abilities in that kind. Since the time of *Hen. VI.* these Parliamentary Discouragements were never suffered, as being the certain symptoms of subsequent Rebellions, Civil-Wars, and the dethroning of our Kings: but this last twenty years most of the Parliament-men seek to improve the Reputation of their Wisdom by these Declamations, and no honest Patriot dare oppose them, lest he incur the Reputation of a Fool or a Coward in his Countries Cause.

[c]

Secondly,

* *Viz.* By Inclosures and Depopulations.

Secondly, Covetous Landlords, Inclosers, Depopulators, and Justices of the Peace, who have got a habit of *Omni-regency*, in hope to Extend the same against the King in Parliament as they do on his Subjects in the Countrey. * Hereby the King loseth 24000 pound, in every whole Subsidy, for *Anno 1600* it was 80000 pound, and now it is but 56000 pound, which cometh by the decay of the Yeomanry, who were the three and four pound men. And these Gentlemen (most of them of the Parliament) do ease themselves to afflict those who are the true Commons, and yet persuade them that the Grievances are caused by the Duke and the ill Government of the King.

Thirdly, Recusants and Church-Papists, whose hatred is irreconcilable against the Duke for the breach of the *Spanish Match*. The *French Lady*, though as Zealous a Catholick doth not please them, for they were tied to *Spain* by their hopes of a change of Religion that way; all the Priests are sent from the *Spanish Dominions*, and the Sons and Daughters of the Papists remain as Hostages of their Fidelities in the Colledges and Nunneries of the King of *Spain*. And although the Papists have no place in the House of Commons, yet privately they aggravate all Scandals against the Duke, to kindle the Separation between the King and his People, and avert them from enabling the King to resist, or to be avenged of our great Enemy. Remember the Course held by these men in the Parliament of Undertakers; also Dr. * *Egleham*, and all the Priests daily practise libelling against all great men about the King.

* This *Egleham* was a Scotch man and a Papist,

who having an Ambition to be taken Notice of as an Enemy to the Duke, or rather set on by the Papists to Embroyl the Nation, in the 2 *Car.* went into *Flanders*, and from thence sent over a small Pamphlet in form of a Petition in his own Name to the Parliament, Accusing the Duke of *Bucks* of having poysoned the Marquess of *Hamilton* and King *James*. Which pamphlet was scattered up and down the Streets of *London*; yet the Commons of that Parliament though highly incensed against the Duke, thought it so improbable, that they only Impeached him as guilty of a transcendent Presumption in giving that Drink and applying the Plaister to King *James*, and not of Treason, as certainly they would if they had thought the Evidence would have born it.

Secondly, Covetous Landlords, Inclosers, Depopulators, &c. who being of the Parliament ease themselves in Subsidies and lay it on the true Commons, and crie out the Grievances are caused by the Duke.

Thirdly, Recusants who hate the Duke for the breach of the *Spanish Match*.

Fourthly, Needy and indebted Persons in both Houses, who endeavour by these Parliamentary stirs not so

Fourthly, Persons indebted, who by Priviledge of Parliament avoid Payment.

much

much the Dukes overthrow as a Rebellion which they hope will follow if it be not done: this is much to be suspected, as well by their Calumniation against his Majesty, as for their own wants, many of them being outlawed, and not able to shew their heads but in Parliament-time by Privilege thereof, and they know there are enough to follow them in the same mischief.

Fifthly, Puritans and Sectaries, though two of them scarce agree in what they would have, haters of Government, and would have Kingly Power extinguished in matters Ecclesiastical, and limited in Civil.

Fifthly, And all other Sectaries, who though scarce two of them agree in what they would have, yet they all in general are haters of Government. They begun in Parliament about Anno 23 Eliz. and spit their venom not only against the Bishops but also against the Lord Chancellor Hatton, and others the Queens Favourites and Counsellors, as they do now against the Clergy and the Duke: but their main discontentment is against the Kings Government, which they would have extinguished in matters Ecclesiastical, and limited in Temporal. This is a fearful and important consideration because it pretends Conscience and Religion; and they now more dreadfully hate the Duke, because he sheweth himself to be no Puritan, as they hoped he would at his return from Spain.

Sixthly, Mal-contents who look upon the Duke with an Evil Eye, because themselves are not preferred.

‘Observe here, both the names and reason of these persons being discontented, are smothered in silence by gentle Mr. Rushworth.

Sixthly, Mal-contents, censured or decourted for their Deserts, as the kindred and dependents of the Earl of Suffolk, and of Sir Henry Tolverton, Coke, Lake, Middlesex, though all of them, the last excepted, were dejected by King James, without any concurrence of the Duke: others because they are not preferred as they do imagine that they deserve, as the Lord Say, Earl of Clare, Sir John Eliot, Selden, and Glanville, Sir Dudley Diggs, and the Bishops of Norwich and Lincoln. These and many other according to the nature of Envy, look upon every one with an Evil Eye, especially the Duke, who either hath or doth not prefer them to those places, or retain them in them which their Ambition expecteth.

Seventhly, Lawyers in general, for that (as Sir *Edward Coke* could not but often exprels) our Kings have upholden the Power of their Prerogative and the Rights of the Clergy, whereby their comings in have been abated; and therefore the Lawyers are ever fit in Parliaments to second any complaints against both Church and King and all his Servants, with their Cases, Antiquities, Records, Statutes, Presidents and Stories; but they cannot or will not call to mind that never any Nobleman in favour with his Sovereign, was question'd in Parliament, except by the King himself in case of Treason, or unless it were in the No-nage and tumultuary times of *Richard* the Second, *Henry* the Sixth, or *Edward* the Sixth, which happened to the destruction both of the King and Kingdom. And that not to exceed our own and our Fathers memories in King *Henry* the Eighths time *Wolfsey's* exorbitant Power and Pride, and *Cromwel's* contempt of the Nobility and the Laws, were not permitted to be discussed in Parliament though they were odious and grievous to all the Kingdom. And that *Leicester's* undeserved favour and faults, *Hatton's* insufficiency, and *Raleigh's* insolence far exceeded what hath yet been (though most fallely Objected against the Duke: yet no Lawyer durst abet nor any man else begin any invectives against them in Parliament.

Eighthly, The Merchants and Citizens of *London* convinced (not by the Duke but) by *Cranfield* and *Ingram*, to have deceived the King of Imposts and Customs, and deservedly fearing to be called to an Account for undoing all the other Cities and good Towns, and the poor Colony of *Virginia*, as also for Transporting of our Silver into the *East-Indies*; these vent their malice upon the Duke in the *Exchange*, *Pauls*, *Westminster-Hall*, with their Suggestions, and therein they wound both to Subjects and Strangers, the Honour of his Majesty and his proceedings.

Seventhly, Lawyers who are very fit in Parliaments to second any Complaint against both Church and King, and all his Servants, with their Customs, Antiquities, Records, Statutes, Presidents and Stories.

Eighthly, Merchants and Citizens, who deceive the King of Customs.

Ninthly,

Ninthly, *Innovators, Plebicolæ.* That since the time of Henry VI. these Parliamentary discouragements might never be suffered, as being but certain Symptoms of subsequent Rebellions and Civil Wars, and the dethroning our King, and no one Patriot daring to oppose them, lest he incur the reputation of a Fool or Coward in his Countries Cause.

His Majesty therefore strengthened himself ever with some Favourite as whom he might better trust than many of the Nobility tainted with this desire of Oligarchy.

It behoveth his Majesty without doubt to uphold the Duke against them, who if he be decourted, it will be the Corner-stone on which the demolishing of his Monarchy will be builded, for if they prevail with this they have hatched a thousand other demands to pull the Feathers of Royalty; they will appoint him Counsellors, Servants, Alliances, Limits of Expences and Accompt of his Revenues, chiefly if they can they will dazle him in the beginning of his Reign.

Lastly, King James and King Charles are the Dukes Accusers in all the Aspersions that are laid upon him. King James for the Money destined for the Wars, in this time spent in Treaties, &c. and his Majesty can testifie for the things done in his time, and all these, though Actions of the King, are imputed to the Duke, who if he suffer for obeying his Sovereign, the next attempt will be to call the King to Account for any thing he undertakes, which doth not prospe-

Ninthly, Innovators, Plebicolæ and King-haters. At the latter end of Queen Elizabeth, it was a phrase to speak yea to pray for the Queen and State. This word State was learned by our Neighbourhood and Commerce with the Low Countries as if we were, or affected to be Governed by States. This the Queen saw and hated. And the Old Earl of Oxford his Propositions at her Death, they awakened King James to prevent this humor, and to approve the Conditions and Limitations presented unto him by the Parliaments.

The Lawyers, Citizens and Westernmen (who are most infected with Puritanism) stood strong against him under a Colour of Parliaments, and Parliamentary Priviledges; His Majesty therefore strengthened himself ever with some Favourite, as whom he might better trust than many of the Nobility tainted with this desire of Oligarchy.

* It behoveth without doubt his Majesty to uphold the Duke against them, who if he be decourted, it will be the Corner-Stone on which the Demolishing of his Monarchy will be builded: for if they prevail with this, they have hatched a thousand other demands to pull the Feathers of his Royalty; they will appoint him Counsellors, Servants, Alliances, limits of his Expences, Accounts of his Revenue, chiefly if they can, (as they mainly desire) they will now dazle him in the beginning of his Reign.

Tenthly, King James and King Charles lastly are the Dukes Accusers; my meaning is with all humble Reverence to their Honours and Memories, and to speak in the sense of the House of Commons) both their Majesties are conjuncta persona, in all the aspersions that are laid upon the Duke; for instance the Parliaments money destined for the Wars spent in Treaties, Messages, Ambassadors, and Entertainments of the King's Marriage, and the Burial of his Father, and the War in the Name of the Count Palatine, the breach

* Verified exactly afterward in the Ruin of the Earl of Strafford.

breach of both Treaties, which then canonized the Duke, but now is made Evidence against him; the honours and offices conferred upon him by King *James*, that his Majesty might with his own Counsels direct their managing, the setting forth of the Navy, though to the Duke's great Charge, by both their Commandments; the Match with *France*, and generally whatsoever hath not been successful to mens expectations: for all these, though the Actions of the Kings, are imputed to the Duke, who if he suffer for obeying his Sovereigns, the next attempt will be to call the King to account for any thing he undertakes which doth not prosperously succeed as all men would desire.

If it please his Majesty to remove and set aside all these disadvantages; He shall find the Charge laid against the Duke will prove very empty and of small moment: and for them if his Majesty and the Dukes Grace think it no impeachment of their Honours, all that the Parliament hath objected against the Duke is pardoned at the King's Coronation, which benefit every poor Subject enjoyeth, three things only excepted, which may be easily Answered.

rously succeed as all men would desire it.

If it please his Majesty to remove and set aside all these disadvantages, he shall find the Charge against the Duke very empty, and of small moment. And if his Majesty and the Dukes Grace think it no Impeachment to their Honours, all that the Parliament hath objected against the Duke, except two or three things that may receive an Answer, is pardoned at the King's Coronation, which Benefit every poor Subject enjoyeth.

Having thus seen how faithful Mr. *Rushworth* is in abridging, and how he deals with the King, let us now see how he deals with the Parliament: and particularly with that which began 17 Mar. 1627. 3 Car. of which he pretends to give a full and true Account.

I cannot tell what Authority he hath for what he writes; for in this as in most of his writings he gives us no Account, but would as the infernal High Court of Justice often told the late King, have us sit down contented with their Answer, That he is satisfied with his own Authority. But upon the whole, comparing his Collections with the *Ephemeris Parliamentaria*, from which he has borrowed much, I find he differs much from him; and indeed seems so wholly transported with Partiality to a Party, that he has recorded little but what relates to the Justification of those he favours and their proceedings. Thus in the great Affair about the Liberty of the Subject which was then transacted, he gives a very slender account of the reasons of Imprisoning mens persons without specifying the Cause of the Commitment; which is to accuse the King and his Ministers of the most unreasonable Injustice; whereas both the Attorney Sir *Robert Heath*, Serjeant *Ashley*, and several others, gave reasons why it was done, and why it was then thought reasonable to be done

done. The Judges also Delivered their Opinions at a Conference, two of which *Whitlocks* and *Doderiges* he is pleased to mention, but to omit the Opinions of the other two, the Chief Justice *Hide*, and Judge *Jones*, when a few pages before he is pleased to take in a whole scandalous and invective Libel, called *A Speech without Doors*, which was designed, and I doubt not but had its malicious influence by ripping up the miscarriages of the Government, and the mis-fortunes of the Isle of *Rhee*, the Dukes Honours, Expences and Favour with the King, and by rubbing up the Old Sores between the King and Parliament, to divide their Affections and distract their Counsels. This Pamphlet takes up from Pag. 490. to 498. of his Collections, which was nothing at all to the business of the Parliament, and yet these two Speeches of the Judges, which were in Vindication of the King's proceedings, and that if he committed any Error, he was led to it by the Opinion of the Sages of the Law, must not find a sheet, but are elbowed out of Doors, with a, *The Lord Chief Justice Hide, and Justice Jones, delivered their Opinions to the same purpose.* Now in regard it will in some measure contribute to the vindication of his Late Majesty from that unjust imputation which was afterwards so often and severely thrown upon his Justice and Government, as also that it will shew that I do not Criminate our Author without just cause, I will present the Reader with the Opinions of *Hide* and *Jones*, delivered before the Lords, as I find them in the said Collection of *Ephemeris Parliamentaria*, fol. 148, 149. as follows:

' Judge *Jones* said he was here to deliver before us what Judgment
' was given before them concerning the *Habeas Corpus*, he Answered, no
' Judgement was given, and the matter of Fact was such as my Brother
' delivered unto you yesterday. These four Gentlemen were committed
' to the Fleet, Gatchouse, and Marshal of the Kings Household. Four
' Returns were made upon the Writs, and every one of them had a Coun-
' fellow appointed, who had Copies of the Returns. A Rule was granted,
' their Counsel heard, and Exception taken to the Return because it did
' not shew Cause of their Caption. These were of no force in the Opi-
' nion of the Judges; The next Exception was, Because no Cause of their
' Commitment was shewed, which the Judges held to be all one in point
' of Law. Then, My Lords, they alledged many Presidents and Statutes
' of themselves, which the King's Attorney Answered: That Persons
' committed by the King or Council, were never Bayled but his pleasure
' was first known. We Agreed at the Chamber of the Chief Justice, That
' all the Statutes alledged are in force, but whether we should Bayl them
' or no was the Question, therefore we remitted them *Quousque*. After
' which Mr. Attorney required a Judgment might be Entered, I com-
' manded the Clark he should not suffer any such thing to be done, be-
' cause we would be better advised.

' But some will say our Act is otherwise, I Answer no, for we have
' done no more then we do upon Ordinary Writ, when we purpose to be
' better advised, and that was only an Interlocutory Order. But my
' Lords, put the Case a *Habeas Corpus* should be granted for one that is
' committed by the House of Commons, would they, think you, take
' it well he should be Bayled at his first coming to the Court? I think
' they would not, and I think the King would have done so in this Case.
' Now my Lords, there is a Petition of Right and Petition of Grace, to
' be Bayled is a matter of Grace; Therefore if a man be brought upon
' an *Habeas Corpus* and not Bayled, he cannot say the Court hath done
' him

‘him any wrong. I have now served seven Years Judge in this Court,
 ‘and my Conscience beareth me witness, that I have not wronged
 ‘the Time, I have been thought sometimes too forward for the
 ‘Liberty of the Subject. I am *Liber Homo*, my Ancestors gave their
 ‘voice with *Magna Charta*, I enjoy that House still which they did, I do
 ‘not now mean to draw down Gods Wrath upon my Posterity, and
 ‘therefore I will neither advance the King’s Prerogative, nor lessen the Li-
 ‘berty of the Subject to the danger of either King or People. This is
 ‘my profession before God and your Lordships.

The Lord Chief Justice Hide’s Speech.

‘He saith he shall not speak with Confidence, unless he might stand
 ‘right in the Opinion of the House, and protested what he spake the
 ‘day before was not said by him with any purpose to trench upon the
 ‘Priviledges of this House, but out of that Respect which by his place
 ‘he thought he owed to the King.

‘He said concerning the point he was to speak of, that he would not
 ‘trouble the Lords with things formerly repeated, wherein he concurred
 ‘with his Brethren; He said if it were true, *The King might not Com-*
 ‘*mit*, they had done wrong in not presently delivering; for my
 ‘Lords, (said he,) these Statutes and good Laws being all in force, we
 ‘meant not to trench upon any of them, most of them being Commenta-
 ‘ries upon *Magna Charta*: but I know not any Statute that goeth so far
 ‘that the King may not Commit. Therefore justly we think we deliver’d
 ‘the Interpretation thereof to that purpose: for my Lords, *Lex Terræ* is
 ‘not to be found in this Statute, they gave us no Example, neither was
 ‘there any Cause shewed in the Return.

‘A President my Lords that hath run in a Storm, doth not much di-
 ‘rect us in point of Law, and Records are the best Testimonies. These
 ‘Presidents they brought being read, we shewed them wherein they
 ‘were mistaken; if we have Erred, *Erramus cum patribus*, and they can
 ‘shew no President, but that our Predecessors have done as we have
 ‘done, sometimes Bayling, sometimes Remitting, sometimes Discharging,
 ‘yet we do never Bayl any one Committed by the King or his Council,
 ‘till his pleasure be first known. Thus did the Lord Chief Justice *Coke*
 ‘in *Raynard’s Case*. They say this would have been done if the King had
 ‘not written, but why then was the Letter read, and published and kept,
 ‘and why was the Town-Clerk sent carefully to enquire (because the
 ‘Letter so directed) whether these men offered for Bayl, were Subsidy-
 ‘men? The Letter sheweth also that *Beckwith* was Committed for Sus-
 ‘picion of being acquainted with the Gunpowder-Treason, but no proof
 ‘being produced, the King left him to be Bayled.

Hist. coll. 545.

At the same rate he treats Serjeant *Ashley*, of whom he tells us, *That in*
his Discourse he said some things for which the Lords called him to an
Account, and committed him to Custody, and afterwards he recanted what
he had said, as particularly, that they must allow the King to Govern by Acts
of State, otherwise he is a King without a Council, or a Council without
Power. But had he meant fairly, he would have given us the whole Ar-
 gument of the Serjeant, which is printed in the *Ephem. Parliam. fol. 141.*
 that so Posterity might be able to judge whether he deserved this Cen-
 sure and punishment, for it is the duty of a faithful and impartial Histo-
 rian, not only to tell us such a person was Censured for such a Speech,
 but

but if possible to give us his words, that if he be in an Error we may be enabled to avoid it, and if he be not, it may appear his Crime was rather stemming the popular Tide, than any other Offence; and this is the rather required in an Historian, because, in future Ages when these things may be brought into President, such a faithful Account does illustrate and clear the Records. The whole is too long to insert, but that passage about Laws of State was as follows:

‘In like manner it is in the Law of State; when the necessity of State requires it, they do and may proceed to natural Equity, as in those other Cases where the Law of the Land provides not, there the proceeding may be by the Law of Natural Equity; and infinite are the Occurrences of State unto which the Common Law extends not. And if these proceedings of State should not also be accounted the Law of the Land, then we do fall into the same inconveniency mentioned in *Cawdries* Case, That the King should not be able to do Justice in all Cases within his own Dominions.

‘If then the King nor his Council may not Commit, it must needs follow, That either the King must have no Council of State, or having such a Council they must have no power to make Orders or Acts of State; or if they may, they must be without means to compel to Obedience to those Acts: and so we shall allow them Jurisdiction, but not to compel Obedience to those Acts, but not Correction, which will be then as fruitless as the Command, *Frustra potentia quæ nunquam reducitur in actum*, &c.

It would render this Preface a Volume to trace this Gentleman in all his Omissions, Mutilations, Abridgements, and I may justly fear Additions, which I should have been able fully to discover by a MS. which was communicated to me by my Worthy and Ingenious Friend, Mr. *Laughton* of *Trinity* Colledge in *Cambridge*, had it been allowable in the compass to which I am confin’d; and which yet I fear I shall exceed. The truth is, those Speeches which were Loyal he has generally omitted, but those who have fallen upon the Popular Theme of Grievances, he has carefully indeed Collected and Displayed, to insinuate into the Credulous and Unwary, that the heavy Complaints of Grievances were *Vox Populi* and the universal and just Cry of the Nation; and by Consequence, That the King, his Ministers and Government, were wholly unjust, oppressive, cruel and tyrannical.

I will only add one particular more, which is the Castration of Sir *Edward Cokes* Speeches, of which I will give one Instance in the Debate about the *Habeas Corpus*, pag. 509. *Historical Collections*.

After *Coke* had made a long Argument upon that Subject, which is wholly omitted, *Sat. March 29. 1628*. Mr. Solicitor spake as followeth:

‘My care when I spake last was to give Satisfaction that the Judges did not Err in their late Resolutions, but if they did, it was *Cum patribus*, the Judges knew nothing of the Cause of the Gentlemens Imprisonment, if they had known the Cause of their Imprisonment in private, they would have appealed to his Majesty for his Grace, for me to reiterate all the Authorities I will not, I have something to say in the point, to put into the Scale, which might have been then said, had it not been for the unhappy Difference that might have been between the two Courts in *Westminster-Hall*, the *Kings-Bench* and the *Chancery-Court*.

‘In 13 *Jaco.* divers were Committed for Disobedience to the Decree of the Court of Chancery, as namely *Rosswel* and others, and it was Resolved,

[d]

‘That

‘ that the Judges could not deliver such, and at the same time some were
 ‘ committed by Warrant from the King and the Lords of the Council, and
 ‘ this came in Question, *Mich. 13. Jaco.* and so continued divers Terms.
 ‘ There was then recourse had to those Arguments, and I have a Report
 ‘ here of that time what the Judges then, part whereof I will read.

* Coke was
 then a Judge
 and in favour
 at Court.

‘ It was Resolved by * Coke, Crook, Dodderidge and Houghton, that the
 ‘ Return was good, and that the Cause need not to be disclosed being
 ‘ *per Mandatum Concilii*, as *Arcana Regni* (and the report further saith
 ‘ that in 34 *Eliz.* it was Resolved accordingly) and by Coke ’twas said,
 ‘ That if the Privy Council Commit one, he is not Baylable by any Court
 ‘ of Justice, and *Stamford’s* Opinion is so, fol. 72. See what Opinion the
 ‘ Judge had of the Resolution in 34 *Eliz.* and of *Stamford*.

To this Sir Edward Coke Replied :

Coke of one
 mind when a
 Judge, and
 in favour ; of
 another when
 out of Court
 and discon-
 tented.

*This Report moves not me at all, That Report is not yet Twenty One Tears
 Old, but under Age, being in 13 Jacob. In truth when I read Stamford
 I was of his Opinion at the first, but since, looking into those Records before
 mentioned I was of another mind. He brings in an ill time 13 Jac. when
 there was clashing between the Court of Kings-Bench and Chancery, as also
 there were then many of the Traytors that were of the Powder-Treason, then
 Committed per Mandatum Concilii.*

Upon Monday, April 1. The Debate being reassumed, and Sir Robert
 Philips moved, That considering the House was now ready for the Que-
 stion, they might hear the Resolution read of all the Judges in 34 *Eliz.*
 about this matter.

Then Sir Edward Coke stood up and said, *The Glass of Time runs out,
 and something cast upon us hath retarded us, when I spake against the Loans
 and this matter, I expected blows, and somewhat was spoken though not to
 the matter.*

Concerning that (that hath been objected) I did when I was a Judge, I will
 say somewhat. Indeed a motion was made but no Argument or Debate, or
 Resolution upon Advice ; I will never palliate with this House, there is no
 Judge that hath an upright Heart to God, and a clear Heart to the World,
 but he hath some Warrant for every thing that he doth. I confess when I
 read *Stamford* then and had it in my hands, I was of that Opinion at the
 Council-Table ; But when I perceived that some members of this House were
 taken away even in the Face of this House and sent to Prison, and when I
 was not far off from that place my self, I went to my Book, and would not
 be quiet till I had satisfied my self. *Stamford* at the first was my Guide,
 but my Guide had deceived me, therefore I swerved from it : I have now better
 Guides, Acts of Parliament and other Presidents, these are now my Guides.
 I desire to be freed from the Imputation that hath been laid upon me.

As for the Copy of the intended Judgement (I fear) had it not been for
 this Parliament, it had been Entred ere this time ; a Parliament brings
 Judges and all other men into good Order ; if any Clerk had drawn this
 draught he would have done it by a President, and there can be no Presi-
 dent found that warrants it, and therefore I believe that some other did
 it.

*This Draught of the Judgement should it be Entred, will sting us to
 death quia nulla causa fuit ostenta ideo ne fuit baileable, and that it ap-
 pears to be so by the Records. I persuade my self Mr. Attorney drew it ;*

I had a Copy of my Lord Anderson's Report of the Judges Resolution, 34. Eliz. long ago, but I durst not vouch it (and it was so in that Copy) for that it was Apocrypha, and did not answer his Gravity that made it, and yet it was cited in the Kings Bench, That all the Judges of England Ruled it so.

Now what inducement Mr. *Rushworth* could have to conceal this Passage, but pure partiality, and to blere the Eyes of the World with a good opinion of Sir *Edward Coke*, whom just before in a Speech, Sir *Robert Philips* calls the great *Monarcha Juris*; I cannot tell. Oh the World must by no means see that *Coke's* Zeal was pure Revenge for being disgraced at Court, and removed from being a Judge; it must not remain as a blot upon him to Posterity, That he was of one Opinion when a Judge and in favour at *White-Hall*, and of another, when disgusted he sets up for a Patriot at *Westminster*; this would have given the Reader too much light, and too great occasion to suspect, That these persons who so much traversed the King in the House of Commons under pretence of the Interest of the Countrey, were like him, Angry, Discontented, and Revengeful Persons.

And that I may not seem to speak also out of animosity to *Coke*, and out of partiality, though I think speaking Truth and for the King, can not justly be so esteemed, though it be done with some warmneis, the Reader shall hear the Character of *Coke* from the Pen of as great a man as any our Nation has produced, viz. Sir *Francis Bacon*, afterwards the so much Celebrated Lord *Verulam* Viscount St. *Albans*, in a Letter to King *James*, concerning *Cokes* being made Lord Chancellor. *Cabala fol. 29.* First if, (saith he,) your Majesty take the Lord *Coke*, you will put an over-ruling nature into an over-ruling place. Secondly, You shall blunt his Industry in the matter of Finances. Lastly, Popular men are no sure mounters for your Majesties Saddle.

And that you may not think this a Clandestine Character of Envy, you shall hear what the same great Pen writes to *Coke* himself when in disfavour. First (saith he,) You delight to speak too much, not to hear other men, whereby you clog your Auditory; Speech would be either short or sweet. In your Pleadings you were wont to insult over misery, and to inveigh bitterly at the Persons, to praise or disgrace upon slight grounds, and sometimes untruly: you make the Law lean too much to your Opinion, whereby you shew your self a Legal Tyrant, striking with that Weapon where you please, since you are able to turn the Edge of it any way. Thus far he, and much more, as may at large be seen in the Letter; and now that *Coke* had turned the Edge of the Law whetted with his private Revenge, upon the Court, and began to Exercise his Legal Tyranny against the King, by endeavouring to make his Government appear Illegal and Tyrannical, he becomes so great in Mr. *Rushworth's* favour, that he must not be Exposed to publick view. Judge *Coke* must not be seen to Combat with Sir *Edward*.

Cabal. fol. 88, 89.

Thus have I given some short remarks upon our Authors dealing both with King and Parliament in the Body of his Collections, I shall add one thing more by way of Appendix, which he has inserted in his Appendix.

Among many other Artifices which the Republican party, made use of after the Dissolution of the Parliament, *March 10. 1629.* to alienate the affections of the People from his Majesty and his Government, they contrived and dispersed many scandalous and seditious Libels, to insinuate

into the minds of men a jealousy and suspicion that his Majesty intended to Govern Arbitrarily, and without Parliaments: among the rest, there was one called *A Proposition for his Majesties Service to bridle the impertinence of Parliaments*. Now though nothing makes it more evident, that it was a juggle of the discontented Party, than the dispersing of it, which had the King intended to have made use of it, he would never have suffered; discovery of a Design being the certain way to have it opposed and ruined; yet Mr. *Rushworth* publishes it in his Appendix, Pag. 12. As if he would have it believed to have been then a real Design, formed by the Court, and to be put in practice. For if he had meant honestly, to vindicate his Majesty and the Government from that unjust Aspersions, he would have likewise Printed together with it the Attorney General's Information against it in the Star-Chamber, which would have shewed that it was a malicious trick put upon the King by his Enemies of the Faction, and no contrivance of the Court. And whereas Mr. *Rushworth* leaves only this slight Remark upon it, *A Proposition for his Majesties Service, &c. Afterwards Questioned in the Star-Chamber*, he ought to have shewn upon what grounds it was questioned; and to supply his Defect, I here present the whole, as I find it Printed Anno 1642. as follows:

A Machiavilian Plot, Or, A Caution for England, presented in a time when Princes were so Pious, and Judges durst be Valiant to declare against Unbonest Slavery.

Lunæ 16. Die Novembris, 1629. Anno 5. Caroli Regis.

*Robert Heath
Richard Shelton
Thomas Crew*

*Humphrey Davenport
Richard Barkley
Heneage Finch.*

Sir *Robert Heath* Knight, your Majesties Attorney General, humbly informeth your most Excellent Majesty,

That whereas your Sacred Majesty, ever since your happy Access to the Imperial Crown of this Realm, hath governed your People with so much Justice and Moderation, that all your good Subjects do bear that Reverence and Love unto your Sacred Person, as is justly due to so gracious a Sovereign; and your Majesty next to the Service of Almighty-God, and the maintenance of his true Religion, hath preserved and maintained the Ancient and Fundamental Laws of this Kingdom without Innovation.

Yet so it is, may it please your most Excellent Majesty, That some malicious Persons (who are as yet unknown to your said Attorney) being ill-affected to your Majesty, and to your happy Government, and intending to raise false, scandalous and seditious Rumors against your Majesty and your Gracious Government, have of late wickedly and seditiously framed, contrived and written a false, seditious, and pestilent Discourse in these words following:

The Proposition for your Majesties Service containeth two parts. The one to secure your State, and to bridle the Pertinacy of Parliaments. The other to increase your Revenue much more than it is.

Touching the first, having considered divers means, I find none so important

portant to strengthen your Majesties Regal Authority against all oppositions or practices of troublesome spirits, and to bridle them, than to Fortifie your Kingdom by having a Fortres in every chief Town and important place thereof, furnished with Ordnance, Munition, and faithful men, as they ought to be, with all other circumstances fit to be digested in a business of this nature, ordering withal the Trayned-Bands of the County to be united in one Dependancy with the said Forts, as well to secure their beginning, as to succour them in occasion of suspect, and also to retain and keep their Arms for more security, whereby the Countries are no less to be brought into subjection than the Cities themselves, and consequently the whole Kingdom: Your Majesty having by this course the power thereof in your own hands.

The Reasons of these Suggests are these.

I. That in Policy it is a greater Tye of the People by force and necessity, than meerly by Love and Affection; for by the one, the Government resteth always sure, but by the other no longer than the People are well contented.

II. It forceth obstinate Subjects to be no more presumptuous than it pleaseth your Majesty to permit them.

III. That to leave a State unfurnished, is to give the bridle thereof to the Subject, when by the contrary it resteth only in the Prince's hands.

IV. That modern Fortresses take long time in winning with such charge and difficulty, as no Subjects in these times have any means probable to attempt them.

V. That it is a sure remedy against rebellious and popular Mutinies, or against Foreign Powers, be causeth they cannot well succeed, when by this Course, the apparent means is taken away to force the King and State upon a doubtful fortune of a set Battel, as was the cause that moved the pretended Invasion against the Land, attempted by the King of *Spain*, in the year, 1588.

VI. That your Majesties Government is the more secure by the Peoples more subjection, and by their subjection the Gentry or Parliaments must be forced to alter their style, and to be conformable to your will and pleasure; for their words and opposition importeth nothing where the Power is in your Majesties own hands, to do with them what you please, being indeed the chief purpose of this Discourse, and the secret intent thereof, fit to be concealed from any *English* at all, either Counsellor of State, or other; for these and divers other weighty Reasons.

It may be considered in this place, to make your Majesty more powerful and strong, some Orders to be observed, that are used in Fortified Countries. The Government whereof imports as much as the States themselves, I mean in times of doubt or suspect, which are these:

1. *Inprimis*, That none wear Arms or Weapons at all, either in City or Countrey, but such as your Majesty may think fit to Priviledge, and they to be Enrolled.

2. That as many High-ways as conveniently may be done, be made passable through those Cities and Towns Fortified, to constrain the Passengers to travel through them.

3. That the Souldiers of Fortresses are sometimes chosen out of another Nation (if Subjects to the same Prince) but howsoever not to be born

in

in the same Province, or within Forty or Fifty Miles of the Fortresses, and not to have Friends or Correspondency near it.

5. That at the Gates of each Walled Town be appointed Officers, not to suffer any unknown Passenger to pass without a Ticket shewing from whence he came, and whither to go, and that the Gates of each City be shut all Night, and the Keys kept by the Major or Governour; also the Inn-keepers to deliver the Names of all unknown Passenger that lodge in their Houses, and if they stay suspiciously at any time, to present them to the Governours, whereby dangerous persons, seeing these strict Courses will be more wary of their Actions, and thereby mischievous attempts will be prevented.

All which being referred to your Majesties wise consideration, It is meet for me withal, to give you some satisfaction of the charge, and time to perform what is proposed, that you may not be discouraged in the difficulty of the one, or the prolongation of the other: both which doubts are resolved in one and the same reason, in respect that in *England* each chief Town commonly hath a ruined Castle well seated for strength, whose Foundation and Stones remaining may be both quickly repaired for this use, and with little charge; and made strong enough, I hope for this purpose within the space of one year, by adding withal Bulworks and Rampiers for the Ordinance, according to the Rules of Fortification; The Ordinance for these Forts may be of Iron not to dis-furnish your Majesties Navy, or to be at a greater Charge than is needful; to maintain yearly these Forts, I make account in ordinary pay *Three Thousand* men will be sufficient, and will require *Forty Thousand* Pounds Charge *per Annum*, or thereabouts, being an Expence that inferiour Princes do undergo for their necessary safety. All which pretension added to the invincible Sea forces your Majesty hath already and may have, will make you the most powerful and obeyed King of the World, which I could likewise confirm by many Examples, but I omit them for brevity; and not to confuse your Majesty with too much matter, your Majesty may find by the scope of this Discourse. the means shewed in general to bridle your Subjects, that may be either discontent or obstinate; So am I likewise to conclude the same intent particularly against the perverseness of your Parliaments, as well to suppress that pernicious humor, as to avoid their oppositions against your profit, being the second part to be discoursed on; And therefore have first thought fit for better prevention thereof, to make known to your Majesty the purport of a General Oath your Subjects may take for sure avoiding of all rubs that may hinder the conclusion of these businesses: It is further meant, That no Subject upon pain of High-Treason may refuse the same Oath, containing only matter of Allegiance, and not scruples of points of Conscience, that may give pretence to be denied.

The effect of the Oath is this.

That all your Majesties Subjects do acknowledge you to be as absolute a King and Monarch within your Dominions, as is amongst the Christian Princes, and your Prerogative as great, whereby you may and shall for your self, by your Majesties Proclamation, as well as other Sovereign Princes doing the like, either make Laws, or reverse any made, with any other Act, so great a Monarch as your self may do, and that without further consent of a Parliament, or need to call them at all in such Cases,

Cases, confirming that the Parliament in all matters (excepting Cases to be sentenced as the highest Court) ought to submit to your Majesties Will to give the Negative or Affirmative Conclusion, and not to be constrained by their Impertinencies to any Inconvenience appertaining to your Majesties Regal Authority; and this notwithstanding any bad pretence or custom to the contrary in practice, which indeed were fitter to be offered to a Prince Elected without other Right, than to your Majesty, born successively King of *England, Scotland, France, and Ireland*, and your Heirs for ever, and so resumed not only of your Subjects, but also of the whole World; How necessary the dangerous Supremacy of Parliaments usurpation is to be prevented, the Example of *Lewis* the Eleventh King of *France* doth manifest, who found the like opposition, as your Majesty doth, and by his wisdom suppressed it, and that to the purpose here intended, which is not to put down altogether Parliaments and their Authority, being in many cases very necessary and fit, but to abridge them as far as they seek to derogate from your Majesties Regal Authority, or advancement of your Greatness; The Caution in offering the aforesaid Oath may require some Policy for the easier passage at first, either by singular or particular Tractation, and that so near about one time over the Land, as one Government may not know what the other intendeth, so it may pass the easier, by having no time of Combination or Opposition: There is another course also more certain than this to bring to pass this Oath easily, as also your profit, and what else is pretended, which here I omit for brevity, requiring a long discourse by it self, and have set it down in particular Instructions to inform your Majesty.

The second part of this Discourse is touching your Majesties Profit after your State is secured, wherein I shall observe both some reasonable content to the People, as also consider the great Expences that Princes have now adays more than in times past, to maintain their own greatness and safety of their Subjects, who if they have not wit and will to consider their own Interest so much indifferently, your Majesty must repair their defects, and force them to it by Compulsion: but I hope there shall be no such Cause in point so reasonable to increase your Majesties Revenues; wherein I set down divers means for your gracious Self to make Choice of, either all or part at your pleasure, and to put it in Execution by such degrees, and cautions, as your great wisdom shall think fit in a business of this nature.

1. *Imprimis*, The first means and course intended to increase your Majesties Revenues or profit withal is of greatest Consequence, and I call it a *Decima*, being so termed in *Italy*, where in some parts it is in use, importing the Tenth Part of all Subjects Estates to be paid as a yearly Rent to the Prince; and as well moneyed men in Towns, as landed in the Countries, their Values and Estates esteemed justly as it is to the true value, (yet with reason) to pay it; and this is paid yearly in money: which course applyed in *England* for your Majesties Service, may serve instead of Subsidies, Fifteens, and such like, which in this Case are fit to be released, for the Subjects benefit and content, in recompence of the said *Decima*: which will yield your Majesty more in certainty than they do casually by 500000 pound *per annum* at the least.

2. That when your Majesty hath gotten money into your hands by some courses to be set down, it would be a profitable course to increase your *Entrato*, to buy out all Estates and Leases upon your own Lands, in such

such sort as they be made no losers ; whereby having your Lands free, and renting them out to the true value as it is most in use, and not imployed as heretofore, at an old Rent and small Fines, you may then rent it out for at least four or five times more money than the old Rents comes unto : So as if your Majesties Lands be already but 60000 *l. per Annum*, by this means it will be augmented at least 200000 *l. per Annum* : and to buy out the Tenants Estates will come to a small matter, by the course to make them no losers, considering the gain they have already made upon the Land. And this is the rather to be done, and the present course changed, because it hath been a Custome used meerly to cozen the King.

3. *Item*, Whereas most Princes do receive the benefit of Salt, in their own hands, as a matter of great profit, because they receive it at the lowest price possible, and vent it, doth gain double yearly : The same course used by your Majesty were worth at least 150000 Pounds *per Annum*.

4. It is likewise in other parts, that all Weights and Measures, either in private Houses, Shops, or publick Markets, should be viewed to be just, and sealed once a year, paying to the Prince for it : which in *England* applyed to your Majesty, with order to pay six pence for sealing each weight or measure would yield near 60000 Pounds *per Annum*.

5. *Item*, Though all Countries pay a *Gabella* for transportation, and so likewise in *England*, yet in *Spain* there is Impost upon the Wools ; which in *England* is so great a wealth and benefit to the Sheep-Masters, as they may well pay you five pound *per Cent.* of the true value at the sheering, which I conceive may be worth 140000 pound *per Annum*.

6. Whereas the Lawyers Fees and Gains in *England* are excessive, to your Subjects prejudice, it were better for your Majesty to make use thereof, and impose on all causes sentenced with the party to pay five pound *per Cent.* of the true value that the cause hath gained him ; and for recompence thereof, to limit all Lawyers Fees and Gettings, whereby the Subjects shall save more in Fees and Charges, than they give your Majesty in the *Gabella* : which I believe may be worth one year with another 50000 pound.

7. Whereas the Inns and Victualling-Houses are more chargeable to the Travellers than in other Countries, it were good for your Majesty to limit them to certain Ordinaries, and raise besides a large Imposition, as is used in *Tuscany* and other parts : That is, a prohibiting of all Inns and Victualling-Houses, but such as shall pay it ; and to impose upon the chief Inns and Taverns ten pound a year to your Majesty, the worst five pound *per Annum*, and all the Ale-houses twenty shillings *per Annum*, more or less as they be in custome, of all sorts, there are so many in *England* that this Impost may well yield 100000 pound *per Annum* to your Majesty.

8. *Item*, in *Tuscany* and other parts there is a *Gabella* of all Cattel, or Flesh and Horses sold in Markets, paying three or four *per Cent.* of what they are sold for ; which by conjecture, may be worth in *England* Two Hundred Thousand Pound *per Annum*, using the like Custom upon Fish, and other Victual (Bread excepted ;) and for this cause all Flesh and Fish and Victuals in the Market to be prized, and sold by Weight, whereby the Subject saveth more in not being cozened, then the Imposition importeth them.

9. *Item*, In *Tuscany* is used a Taxation of 7. *per Cent.* upon all Alienation of Lands to the true value ; and also 7. *per Cent.* upon all Dowries and

and Marriage-Moneys; the like if it were used in *England*, were worth at least 100000 pound *per Annum*; with many other Taxations upon Meal, and other Merchandizes, in all Towns as well as Port-Towns, which here I omit, with divers others as not so fit for *England*. And in satisfaction of the Subject for these Taxes, your Majesty may be pleased to release them of Wardships, and to enjoy all their Estates at eighteen years old, and in the mean time their profits to be preserved for their own benefit. And also in forfeitures of Estates by condemnation, your Majesty may release the Subject; as not to take the forfeitures of their Lands, but their Goods, High-Treason only excepted; and to allow the Counsel of Lawyers in the case of Life and Death; as also not to be condemned without two Witnesses; with such like benefits, which import much more their good, than all the Taxations named can prejudice them.

10. *Item*, That some of the former Taxations used in *Ireland* and *Scotland*, as may easily be brought about by the first Example thereof used in *England*, may very well be made to increase your Revenue there more than it is now by 200000 pound *per Annum*.

11. *Item*, All Offices in the Land, great and small, in your Majesties grant, may be granted with condition, to pay your Majesty a part yearly, according to the value; this in time may worth (as I conceive) 100000 pound *per Annum*; adding also Notaries, Attornies, and such like, to pay some proportions yearly towards it, for being allowed by your Majesty to practise, and prohibiting else any to practise in such places.

12. *Item*, to reduce your Majesties household to board wages, as most other places do, reserving some few Tables: this will save your Majesty 60000 pound *per Annum*, and ease greatly the Subject besides, both in Carriages and Provision, which is good reason that your Majesty in honour might do it.

13. *Item*, I know an assured course in your Majesties Navy, which may save at least 50000 pound *per Annum*, which requiring a whole Discourse by it self, I omit; only do promise to do it whensoever you command.

14. *Item*, whereas your Majesties Laws do command the strict keeping of Fasting-days, you may also prohibit those days to Eat Eggs, Cheese, or White-meats, only to such as are contented to pay eighteen pence a year for the liberty to eat them, and the better sort ten shillings; the employment of this may be for the defence of the Land, in maintaining of the Navy, Garrisons, and such like, much after the fashion of the *Crusado* in *Spain*, as your Majesty knoweth, being first begun there under the pretence to defend the Land against the *Moors*, and the same used in *England*, may very well yield one year with another 100000 pound, without any disgust to any, because it is at every ones choice to give it or no.

15. Lastly, I have a course upon the Catholicks, and very safe for your Majesty, being with their good liking, as it may be wrought, to yield you presently at least 200000 pound *per Annum*, by raising a certain value upon their Lands, and some other Impositions, which requiring a long discourse by it self, I will omit here setting it down in my Instructions.

It will save your Majesty 100000 pound *per Annum*, to make it pain of death, and confiscation of Goods and Lands, for any of the Officers to cozen you, which now is much to be feared they do, else they could not be so Rich; and herein to allow a fourth part of the benefit to him

that shall find out the cozenage ; here is not meant Officers of State, as the Lord Treasurer, &c. being Officers of the Crown.

The Sum of all this Accompt amounteth to 2200000 pound *per Annum*, suppose it be but one Million and a half, as assuredly your Majesty may make by these courses set down, yet it is much more than I promised in my Letter for your Majesties Service, besides some summs of money in the present by the courses following :

Imprimis, By the Prince his Marriage, to make all the Earls in *England* *Grandeas*, (as in *Spain*) and *Principi*, with such like Priviledges, and to pay 20000 pound apiece for it.

2. As also if you make them Feodataries of the Towns belonging to their Earldoms, if they will pay for it besides, as they do to the King of *Spain* in the Kingdom of *Naples*.

3. And so likewise Barons to be made Earls and Peers to pay ten thousand pound apiece, I think this might yield 500000 pound, and oblige them sure to your Majesty.

4. To make choice of two hundred of the richest men of *England* of Estate, that be not Noblemen, and make them *Titulati*, as is used in *Naples*; and paying for it, that is, a Duke 30000 *l.* a Marquess 15000 *l.* an Earl 10000 *l.* a Baron or Viscount 5000 *l.* It is to be understood, That the Ancient Nobility of Barons made Earls are to precede these as Peers, though these be made Marquesses or Dukes: This may raise a million of pounds, or more unto your Majesty. To make Gentlemen of low quality, and Francklins, and Farmours, Esquires to precede them, would also yield your Majesty a great sum of money in present. I have another course to yield your Majesty at least three hundred thousand pound in money, which as yet the time serveth not to discover, until your Majesty be resolved to proceed in some of the former courses, which till then I omit. Other courses also that may make present money, I shall study for your Majesties Service, and as I find them out, acquaint you withal.

Lattly, To conclude all this discourse, by the application of this course used for your profit, It is not only to make you the richest King that ever *England* had, but also the safety augmented thereby to be most secure; besides what is shewed in the first part of this discourse, I mean by the occasion of these Taxations and raising of moneys, your Majesty shall have cause and means to employ in all the places of the Land, so many Officers and Ministers, to be obliged to you for their own good and interest, as nothing can be attempted against your Person or Royal Estate over Land, but some of these shall in all probability have means to find it out and hinder it: Besides, this course will repress many disorders and abuses in the publick Government, which were hard to be discovered by men indifferent. To prohibit gorgious and costly Apparel to be worn, but by Persons of good quality, shall save the Gentry of the Kingdom much more money than they shall be Taxed to pay to your Majesty.

Thus with all humility I take my leave, and kiss your gracious hand, desiring Pardon for my Error I may commit herein.

The which false, seditious, and malicious discourse and writing, so framed, contrived and written, as aforesaid, the Authors thereof intended should be divulged and dispersed, as if the same had been entertain'd by your Majesty, with purpose to be put in execution, thereby to raise fears and jealousies in the minds of your good Subjects, that your Sacred Majesty had a purpose to alter and innovate the ancient Laws of this Kingdom, and the ancient manner and Form of the Government thereof, and to draw all things to be disposed of at your Majesties absolute will and pleasure, and to command and dispose of Estates, Goods, and Revenues of your Subjects, or such part or portion thereof as your Self pleased, without the consent of your Subjects, and to make and repeal Laws and Statutes, by your Majesties Proclamations only, without Consent of Parliament, and that to over-awe and oppress your Subjects you purposed to place and maintain Garrisons, and Fortified Castles and Places in a War-like manner in all the principal Cities and Towns in this your Kingdom.

Which if it should be believed by your People, could not but raise infinite discontents amongst them, the Consequences whereof might be extream, and almost of inevitable danger to your Majesties Person and State, and to the whole Frame of this Kingdom, and to the great dishonour of your Majesty, which all and every your good and loyal Subjects are in their Duty and Allegiance to your Majesty bound to prevent to the uttermost of their Powers, and to discover to your Majesty, or some of your Privy-Council, or other Magistrate, all such false and seditious discourses and writings, whensoever they shall come to their hands or knowledge.

Nevertheless, some forgetting that Duty which they owe to your gracious Majesty their liege Lord, and intending to further and cherish those false, scandalous, and seditious rumors, whereby matter of discord and slander might grow between your Majesty, the great Men of this Kingdom and your People; and not regarding the great dangers and evil consequences thereof, having gotten the said Discourse or Writing, or some Copy or Copies thereof into their hands, at several times within the space of Eight Months now last past, did make or write, or caused to be made or written, several Copies thereof, and amongst themselves, and also to and amongst many others, have published, divulged, and dispersed the same, to the great and insufferable scandal and dishonour of your Majesty, and of your most just and gracious Government; and none of them before such publication thereof did make the same known to your Majesty, or any of your Privy Council, or any other lawful Magistrate, as in duty they and every of them ought to have done.

In consideration of all which premises for as much as the said spreading, publishing, and divulging of all such scandalous and malicious Tales, News and Rumors, and not making the same known to your Majesty or your Privy Council, or other Magistrate, is contrary to the good Laws and Statutes of this your Realm, and contrary to the Duty and Allegiance that they owe to your Majesty; and for that the venom thereof may by this undue means be dispersed and infused in and unto many others, in and through whose hands, those False, Seditious and Malicious Papers and Writings have or may come: and for that the danger thereof is exceeding great, and may be of infinite ill consequence, if in time the same be not prevented, and for example and terror to all others, be not severely punished.

May it therefore please your most Excellent Majesty to grant unto your said Attorney, your Majesties most gracious Writs of Subpoena, to be directed to such as have divulged it; commanding them at a certain day, and under a certain pain therein to be contained, personally to be and appear before your Majesty, and the Right Honourable the Lords and others of your Highness most

Honourable Privy Council, in your Highness Court of Star-Chamber, then and there to Answer to the premises, and to stand to and abide such Order, Direction, Sentence, and Decree therein, as to your Majesty, and the said Lords and others, shall be thought most meet and agreeable to Justice.

And your said Attorney shall ever pray, &c.

In short, that I may dismiss this Gentleman, whose and the Readers Pardon I beg for this long attendance, who ever will see his Book in Epitome, must have recourse to the Traiterous Declaration of the Commons of *England* in Parliament Assembled, expressing their Reasons and Grounds of passing the late Resolutions touching no further Address or Application to be made to the King, which Declaration was procured by his Master *Fairfax's* bringing up the Army to *London*, thereby terrifying the City and Parliament into those Traiterous Votes, and that Declaration which was the first more immediate step to the Execrable Murder of his Majesty. For first they endeavored to blacken him by that Declaration, that so they might with a pretence of Justice Murder Him.

In the Declaration they Charge him with laying a foundation for Tyranny in that Maxim, *That he oweth an Account of his Actions to none but God alone*; And, *That the Houses of Parliament, joyntly or separate, have no Power either to make or declare Law.*

They urge the private Articles with *Spain* and *France* upon the Treaties of Marriage, the Death of King *James*, the business of *Rochel*, the Design of the *German* Horse, Loans, Privy-Seals, Coat and Conduct-Money, Ship-Money, and the many Monopolies; the Tortures of our Bodies by Whipping, Cutting off Earls, Pillories, and with close Imprisonment, aggravated with the Dominion Exercised over our Souls by Oaths, Excommunications, New-Canons, &c. Long Intermission of Parliaments, Dissolutions, Breach of Privileges, Imprisonment of Members, Design to Introduce Popery, Breach of Honour and Faith in the King, &c. which the Reader may see repeated in *Bradshaw's* Speech at his Majesties Tryal.

These make up the principal parts of the *Historical Collections*, and are but the same Heraldry of Rebellion, Calumnies and Libels against the King, displayed more at large, and set forth with greater Art and Industry, as whoever will take the pains to compare them, shall easily be able to discover, and the general Omissions of what was spoken or written to Vindicate his Late Majesty and the Monarchy, from the horrid imputations of the Traiterous and Factious Actors in the late Tragedies, make it but too liable to Suspicion, That the Scope and Intention of these Collections was intended at least to palliate those Abominable Villanies which were then committed, if not (as certainly ill men may make that use of them) as Presidents, Encouragements and Rules for wicked men of the same or like Principles, to act by the same methods and pretensions in Future Ages.

That I may therefore honestly contribute all that lies in my power, by giving a true Information to the Reader of the management of those Affairs which brought Ruin upon this Excellent Government, and endeavour by exposing the Cheat and Artifice, to prevent the mischief of being imposed upon by the same methods and practices, I must perform the

the promise I made the Reader in reconducting him a little backward, to shew him, That these Fears of Popery, were advanced and promoted by Factious and Turbulent Spirits of Antimonarchical and Schismatical Principles to draw in a Party, so as thereby to be able, if not to overthrow the Ancient Establishment in the Church and Kingdom, yet to clip the Wings of the Monarchy, and wholly to Eradicate and Subvert the Ecclesiastical and Apostolical Order and Government of the Church by Episcopacy.

The Reformation was scarce come to a Settlement after the Death of King *Henry* the Eighth, and the short Reign of the Infant King *Edward* the Sixth, when the Fiery Persecution of Queen *Maries* Days began to Rage, wherein many of the first Reformers set to their Testimony to the Truth of the Reformed Religion, sealing it with their Blood; and others retired out of the Kingdom into voluntary Exile, to avoid the Fury of the Storm: And here began the first breach between the Episcopal Party of the Church of *England*, and the Presbyterians or *Geneva* Disciplinarians, the one maintaining the necessity of Episcopal Discipline and Government, as Warranted by the Constant and Uninterrupted Usage of Antiquity, famous throughout the whole known World for the Universally Acknowledged Government of the Church, and for the great Blessings in the Conversion of so many Heathen Nations to Christianity by its means. The other disliked it as too near approaching to Popery, as their Ignorance in Antiquity made them stile it, and magnified the New Invention of *Calvin* at *Geneva*, calling it *The Pattern in the Mount*, and Exalting it at the same Rate as the wild *Ephesians*, at the instigation of *Demetrius*, did the Image that they believed fell down from *Jupiter*. And for the Readers satisfaction I will give him the words of a late Writer, who gives a succinct Account of that unhappy difference, which hath since been the Occasion of such deplorable Effects in this Church and Kingdom.

‘At *Frankfort*, (saith he) an unhappy difference fell in among some
‘of them, who had used before the *English* Liturgy, and did afterwards
‘comply with it when they were in *England*, where it had Authority
‘from the Law, yet they thought that being in Foreign Parts they
‘should rather accommodate their Worship to those among whom they
‘lived, so instead of the *English* Liturgy, they used one near the *Geneva*
‘and *French* Forms. Others thought, That when those in *England* who
‘had Compiled their Liturgy, were now Confirming what they had
‘done with their Blood, and many were now Suffering for it; it was an
‘high Contempt of them and their Sufferings to depart from these Forms.
‘This Contradiction raised that Heat, that *Dr. Cox* who lived in *Stras-*
‘*burgh* with his Friend *Peter Martyr*, went thither; And, being a man
‘of great Reputation, procured an Order from the Senate, That the
‘*English* Forms should be used in their Church. This Dissention being
‘once raised, went further than perhaps it was at first intended. For
‘those who at first liked the *Geneva* way better, that, being in Foreign
‘Parts, they might all seem to be united in the same Forms, now began
‘to quarrel with some things in the *English* Liturgy: And *Knox* being a
‘man of a hot temper, ingaged in this matter very warmly, and got his
‘Friend *Calvin* to write somewhat sharply of some things in the *English*
‘Service.

‘This made *Knox* and his Party leave *Frankfort*, and go to *Geneva*.
‘*Knox* had also written indecently of the Emperor, which obliged the
‘Senate

History of the
Reformation,
p. 12. lib. . .
fol. 339. An.
1559.

Senate at *Frankfort* to require him to be gone out of their Bounds. There fell in other Contests about the Censuring of Offences; which some of the Congregation would not leave in the hands of the Minister only, but would have it shared among the whole Congregation: upon these matters there arose great Debates, and many papers were written on both sides, to the great grief of *Parker* and others who lived privately in *England*, and to the scandal of strangers, who were not a little offended to see a company of People fly out of their Countrey for their Consciences, and instead of spending their time in Fasting and Prayer for their Persecuted Brethren at home, to fall into such Quarrels about matters which themselves Acknowledged were not the Substantials of Religion, nor points of Conscience: in which certainly they began the breach, who departed from that way of Worship which they acknowledged was both lawful and good: but there followed too much animosity on both sides, which were the seeds of all those differences which have since distracted this Church. Thus far he.

Queen *Elizabeth* coming to the Crown, the Reformed Religion was publickly restored and enjoyned by Act of Parliament, the Banished returned home, and brought with them the same fiery spirit of Persecution from which they had fled, and in despite of the Authority of the Queen and the known Laws of the Land, they began presently to gather Disciples, and make Profelytes to their Opinions, and by their pretended or real Austerities it matters not which, being doing good with an Evil Design, they secretly insinuated themselves and their Doctrines into the Affections not only of the injudicious Populace, who are easily Ensnared with shews of Purity and Piety, and who commonly judge of the Truth of mens Doctrins but by the seeming Sanctity of their Lives, but also into the good Esteem of divers of the Nobility and Gentry, especially those who were any ways discontented, ambitious, or covetous after the Revenues of the Church. You shall hear Mr. *Cambden's* sense of them who writ of the times in which he liv'd.

*Cambd. Eliz.
Anno 1568.*

On the other side (saith he,) Colman, Button, Hallingham, Benson and others, who with burning Zeal professing a more sincere Religion, allowed nothing but what was drawn from the Fountain of the Holy Scriptures, or in affectation of more pure Discipline, Novelty or Dissention, openly called in question the received Discipline of the Church of England, the Liturgy and the Vocation of Bishops, yea Condemned them as savouring too much of the Romish Religion (with which to have any Communion, they cried out was impious) using all the means they could, that all things in the Church of England might be Reformed according to the Rule of the Church of Geneva. These men, though the Queen commanded they should be committed to Prison, yet incredible it is, how much they increased every where, through a certain obstinate wilfulness in them, indiscretion of the Bishops, and secret favour of certain Noblemen who gaped after the Wealth of the Church; which Sect began presently to be known by the envious name of Puritans.

The Papists who early perceived there was no such certain way to ruin the Reformation, and who endeavoured by all the Arts imaginable to unsettle the Queen and the Peace of the Kingdom, laid hold immediately of this Opportunity, and entering in at the back-door of Schism and Separation, joyned hands with the Nonconforming-Puritans, to bring Ruin and Desolation upon this Church and Kingdom. And for the Readers full satisfaction in this particular, I shall recount two remarkable passages, which being by a third Person communicated to

me from *Robert Ware* Esquire, I Printed in a small Pamphlet Entituled *Foxes and Firebrands, Or, The Danger and Harmony of Separation, &c.* And for the publick advantage, that those who are innocent and deluded Dissenters may see; that the great Cry of the Fear of Popery, and that the Church of *England* is Popish, had its Rise and Original from the Papists themselves to divide and distract us, and by that means destroy us: I think it will not be amiss here to insert the matter of Fact, referring the Readers Curiosity to the Pamphlet it self for any further Satisfaction in some other particulars. The Account is as follows:

IN the year 1567. being the Ninth year of the Reign of Queen *Elizabeth*, one *Faithful Commin*, a Fryar of the Order of *S. Dominick*, a Person generally reputed a zealous Protestant, and much admired and followed by the People for his seeming Piety, but more particularly for inveighing in his Pulpit most bitterly against *Pius Quintus* then Pope, was accused by *John Clerkson* Chaplain to the Arch-bishop of *Canterbury*, *Nicholas Draper*, and *Mary Dean*. who being Sworn upon the Holy *Evangelists*, before her Majesty and the Lords of the Council, deposed, That the said *Faithful Commin* was no true Protestant, but a false Impostor, a fower of Sedition amongst her Majesties Loyal Subjects. Upon which, the Fifth of *April* being *Monday*, the said *Faithful Commin* was brought before the Queens Majesty and the Honourable Lords of the Privy Council, and there Examined by his Grace *Matthew Parker*, Lord Arch-bishop of *Canterbury*, as followeth:

L. Arch-bishop. *Faithful Commin*, Of what Profession art thou?

Fa. Com. Of Christ's Order.

L. Arch-bishop. What Order is that?

Fa. Com. * A Preacher of the Holy Gospel.

L. Arch-bishop. What Gospel is that you call the Holy Gospel?

Fa. Com. The Gospel of *Jesus Christ*.

A. B. Under what Power do you own to hold that Gospel?

F. C. Under *Christ* and his Saints.

A. B. Do you acknowledge any other Power save *Christ* to be on Earth?

F. C. Yes I do.

A. B. What Power is that?

F. C. The Holy Catholick Church.

A. B. Do you not acknowledge a Defender of the Holy Catholick Faith?

F. C. * God is the only Defender.

Hereupon the Arch-bishop addressing himself to Her Majesty, said, Your Gracious Majesty may perceive, that either this Man hath been instructed what to say, or otherwise he must be by his Answers a man of Craft; to which the Queen replied, I suppose so, my Lord.

Then *Commin* was ordered to withdraw, and her Majesty and the Council were some time debating how to proceed in this Affair: After which, *John Clerkson*, the Arch-bishop's Chaplain, was called in before the Board; the Queen demanded his Name, which he told her: then she further enquired, Whether he was acquainted with *Faithful Commin*? to which he Answered, he was; the Queen asked him, How long he had known him? to which he replied, About a year or more.

Queen. What have you to say against *Faithful Commin*, that he is suspected to be an Impostor?

John Clerkson. Three things.

Queen. What be they?

J. C. First,

The Papists the great promoters of Separation.

Observe how early the Papists began to act Non-conformists, who then were called Puritans, from their pretending to a purer Reformation, as presently you will find this Fryar do.

* The very same Answer which all unordain'd Speakers, who are Preachers at large, and run before they are sent, make at this day.

* Papists and Dissenters both disown Supremacy, or equivocate and dissemble about it.

† The exact mode of most Dissenters, who will come to our Churches.

J. C. First, Let him prove his Ordination since he fell from the Church of *Rome*. Secondly, Why he never cometh to the Prayers of the now Establisshed Church of *England*, but starteth up, and Preacheth to the People, † not coming into the Church till the Prayers be finished. Thirdly, Let him prove that ever he received the *Sacrament* according to the Church of *England*, from any of our Orthodox Clergy-men.

Her Majesty and the Council having considered of these Three Points, sent for the said *Faithful Commin* to come in again, who appearing, the Arch-bishop demanded of him :

A. B. Were you ever Ordained ?

F. C. Yes, I was Ordained.

A. B. By whom ?

F. C. By the Cardinal, (meaning *Pool* .)

A. B. Had you not other Certificate under any of the Bishops hands since the Reformation ?

F. C. Not any.

A. B. Wherefore would you dare to Preach, having not got a * Licence of Permission under some of our Bishops hands ? How shall we be assured that you are not of the *Romish* Church ?

* Observe the reason and necessity of all Preachers having Licence

to Preach, and of settled Parochial Congregations : as also the great Care the Church of *England* takes to keep Papists from creeping in disguised among us, and the opportunity Separation gives them to come among Dissenting Congregations.

† They that rail most bitterly against *Rome* and the Pope, may be Papists notwithstanding.

Fa. Com. There are several have heard my Prayers and my Sermons, and can † testifie that I have spoken against *Rome* and her Pope, as much as any of the Clergy have, since they have fallen from her ; I wonder therefore why I should be suspected ?

A. B. By your Answer, Mr. *Commin*, I perceive, you would have any one Preach, so that he spake but against the Pope in his Sermons.

F. C. Not every one, but he whose Function it is, and he who hath the * Spirit.

* Look here a Fryar in Masquerade of a

Dissenting Protestant, one of the first Pretenders to this Extraordinary Gift of the Spirit.

A. B. What Spirit is this you mean ?

F. C. The Spirit of Grace and Truth.

† A Question worthy of the most deliberate Consideration of all

A. B. † But is this Spirit that is in you, either the Spirit of Grace or Truth, that doth not comply with the Orders of the Church, lately purged and cleansed from Schism and Idolatry ?

Pretenders to the Spirit, and all those who follow them ; for if they cannot by the fruits of the Spirit, mentioned *Gal. 6.* prove it the Spirit of Truth, or if it produces the fruits of the flesh there mentioned, *Hatred, Variance, Emulation, Wrath, Strife, Seditions, Heresies*, it must be the Spirit of Error. Let Separatists look well to it, for it concerns their Souls and Bodies, and those of many thousands, who if they be not in that way of Truth, are in the broad way that leads to Destruction.

* The Presence of all Dissenters for their Separation.

F. C. Therefore I endeavour to make it * purer as far as God permits.

A. B. How do you endeavour to make the Church purer, when you neither Communicate with her in Sacrament or in Prayer ?

F. C. Yes, I endeavour it when I pray to God that he would open the Eyes of men to see their Errors, and several have joyned with me when I have prayed among them ; and I have both given and taken the Body of *Christ*, to those of † tender Consciences, who have Assembled with me in the fear of the Lord.

† The very exact Language of Dissenters, and the Original of Tender Consciences, a Popish pretence.

A. B. By

A. B. By your words then you have a Congregation that follows you.

F. C. I have.

A. B. Of what Parish, and in what Diocess?

F. C. † Neither of any certain Parish, nor in any certain Diocess.

A. B. Where then, I pray?

F. C. Even in the wide World, amongst the Flock of *Christ* scattered over the whole Earth.

Queen. Your Diocess is very large, Mr. *Commin*.

Then being commanded to withdraw, the other two Witnesses were called into the Council-Chamber, and Examined as follows:

Queen. Mr. *Draper*, What have you to say to this *Faithful Commin*?

Draper. He came to my House at the *Maidenhead* in *Maidstone*, with several of his Followers, where he bespoke a Joynt of Mutton, and two Hens for Dinner, hearing that my Profession was a Cook; I shewing him a Room for him and the Company that came with him, perceiving several to come and enquire for this Mr. *Commin*: but by chance going up the Stairs, I heard one * groan and weep, which caused me to lift up the Latch; at first I was startled, and stood in a maze, but enquiring of one of his Followers, what ailed the man? He replied, Do you not see we be all at Prayers? The Maid wondering where I was, came to seek me, and found me amongst them, and can testify the same.

Queen. Are you Mr. *Draper's* Maid?

Maid. Yes may it please your Grace.

Queen. What is your Name?

Maid. My Name is *Mary Dean*.

Qu. Did you see this *Faithful Commin* that was here now before Us, praying to the people?

Maid. I saw him, and thought he was distracted when I heard him pray: but the People said, † He was a Heavenly man, and that it was Gods Spirit made him weep for the Sins of the World.

nican Fryar fathered upon the Spirit of God, and the People deluded by this pretence to the Spirit.

Qu. How long continued they at Prayers, do you know, Mr. *Draper*?

Draper. May it please your Grace, * about two hours.

Qu. What did they after they had Prayed?

Draper. Some went from the House, and about ten or thereabouts, stayed to Eat what they had bespoken, and paid me to the utmost Penny.

Then the Queen commanded to call in *Faithful Commin*, to whom she thus spake. Mr. *Commin*, If you will receive Orders, and become of the Church of *England*, you may; otherwise you must not be permitted to Pray and Preach among my Subjects: and though you have, as appears by several other Witnesses, Preached against the Pope, yet you have * Usurped over the Power both of Church and State, in doing contrary to the Order that *We, Our Council*, and Parliament have unanimously agreed on, by and with the Consent of the whole Clergy of my Realm.

Let Dissenters Answer this, and clear themselves, for he that Usurpeth over the Magistrate, resisteth the Ordinance of God, and they that resist shall receive Damnation.

F. C. Give me time to consider, and prepare my self, and I shall give your Grace a further Answer in a short space.

[f]

Queen

† The first Independent Congregation in *England*, gathered by a Popish Dominican Fryar.

* These passionate and taking Ways are no Demonstrations of a true Protestant, though joyned with Extempore Prayer.

† See here the Extempore Prayer of a Popish Domi-

* Exactly like our Pretenders to the Spirit in the late times, who made long Prayers, and devoured Widows houses.

† Observe, the Queen thought unordained and unlicensed Preaching an Usurpation.

† Was this
Tyranny in
Q. Elizabeth,
or a wise and
just Defence
of the Prote-
stant Religion?

* Of which he
was a good
confirmation,
being a Papist,
and one would
think this
were enough
to banish this
Popish Idol,
Extempore
Prayer out of
England.

† A Papist
Author of that
common slan-
der against
the Common-
Prayer.

A Holy Cheat.

* It is by some
supposed that
this practice
is continued
to this day.

A cunning
Evasion to
save both the
Friar and
their money.

* Let their
Opinions of
men be what
they will, it is
impossible for
Dissenters who
hear unlicen-
sed Preachers,
to distinguish
a true Protestant from a disguised Papist.

Queen. Is there any will be bound for your Appearance? Otherwise you must be kept a close † Prisoner? for we have other Examinations to take, and Questions to demand.

F. C. I have three who will Answer for my Appearance.

Then one *Richard Bland*, Brother to the said *Commin* by the Motherside, and two others, gave Bond for his Appearance upon the twelfth day of *April*.

Upon which day *Commin* with his Bail, came and appeared before her Majesty and the Council: but the *Spanish* Embassador being that day to have his publick Audience of the *Queen*, the further Examination of the said *Commin* was put off till the next day.

But *Commin* coming from the Council to his Followers, told them, that her Majesty and the Council had acquitted him; and that he was warned of God to go beyond the Seas, to instruct the Protestants there, and that ere long he would return to his Flock with better Success. He told them that * *Spiritual Prayer* was the chief Testimony of a *True Protestant*, and † that the Set Form of Prayer in *England*, was but the *Mass* Translated. So after he had with a multitude of Tears like a *Crocodile*, first prayed an *Extempore* Prayer, the better to prey upon these poor deluded people, he took his leave of them, telling them he had not one Farthing to support him in his Journey, yet being *Gods Cause*, he would undertake it out of Charity, and he was assured that the Lord would raise him up Friends wherever he Travelled. This Speech set most of the People a weeping, especially the Women, who requested their Husbands to contribute towards his Necessities; and it was made appear, after his Escape out of *England*, that they Collected for him 130 *l.* * besides what the compassionate Sex bestowed upon him, unknown to their Husbands.

The next day, *April* 13. Her Majesty and the Council being assembled, and several others attending to hear this Examination, but no *Faithful Commin* appearing, *Bland*, and the other two who were his Bail, were sent for: they coming before the Board, and being demanded where *Commin* was, and the reason why he did not appear; made Answer, That they had performed as much as they undertook, which was, that he should appear the day before; that if they had received any further Directions from her Majesty and the Honourable Board, to have brought him as that present day, they would have obeyed the Commands: but in regard the Party accused was only spokento to appear, they supposed themselves discharged by his first Appearance, and not bound for his second: with which Nicety they drew their Necks out of the Collar, and *Commin* got an opportunity to make his escape.

Her Majesty, sensible of this Affront, which was the greater in regard it was to be a Publick Hearing, caused diligent search to be immediately made over all *London* and *Kent*; but all in vain, for he went away that very Evening, and was not heard of till some Months after. However, by this Search they found out most of his Followers, who were examined before her Majesties Council, and said, in their * Opinions, they had never seen so zealous and so heavenly a man as he seemed to be; from their Examinations the Council also came to discover the particular Sums of Money, of which this Religious Jugler had cheated these deluded People.

There was no further account of *Commin* till on the fourteenth of September one *John Baker*, Master of a Ship called the *Swan* of London, arriving at *Portsmouth*, said, he had seen the said *Faithful Commin* in the *Low-Countries*: her Majesty being informed thereof, sent for *Baker* to the Council Board, who there gave them this Relation.

That he had seen the said *Faithful Commin* in the *Low-Countries*, and that coming to unlade some Goods at *Amsterdam*, one *Martin van Daval* a Merchant of that City, hearing him talk of the said *Commin*, told him, That this *Faithful Commin* had been lately at *Rome*, and that the Pope *Pius Quintus* had put him in Prison, but that *Commin* writing to the Pope that he had something of importance to communicate to him; the Pope sent for him the next day, and as soon as he saw him, said, Sir, I have heard how you have set forth me and my Predecessors among your Hereticks of *England*, by reviling my Person, and railing at my Church: to whom *Commin* reply'd, I confels my Lips have uttered that which my Heart never thought, but your Holiness little thinks I have done you a most considerable Service, notwithstanding I have spoken so much against you; to which the Pope returned, How, in the Name of *Jesus*, *Mary*, and of all his Saints, hast thou done so? Sir, said *Commin*, I Preached against set Forms of Prayer, and I called the *English* Prayers *English* Mass; and have persuaded several to Pray Spiritually and *Ex-tempore*; and this hath so much taken with the People, that the Church of *England* is become as odious to that sort of People, whom I instructed, as Mass is to the Church of *England*; *and this will be a stumbling Block to that Church while it is a Church; upon which the Pope commended him, and gave him a Reward of *Two Thousand Ducats* for his good Service.

Her Majesty and the Council thanking Mr. *Baker* for his Information, order'd him to withdraw; and upon this the Queen writ over to her Agents beyond Sea, if possible to have *Commin* taken and sent over into *England*; but the thing taking Air, and it being the common Discourse how the Pope had Rewarded this Impostor, some of his Friends gave him Advertisement of his Danger, which made him quit the *Low Countries*, and seek a safe Retreat in the *Romish* Territories.

However this produced that † Act for preventing Popery and other Sects, which Enjoyned all People from ten years old and upwards, not having a lawful Impediment, to repair every Sunday to hear Divine Service, under the Penalty of forfeiting Twelve Pence for every such Default.

What is Observable in this Narrative, is the Original of Separate Congregations, of *Ex-tempore* Prayer, the vilifying the Publick Church-Service, stiling it *English* Mass, the pretences to the Spirit, the denying the King's Supremacy, despising lawful Ordination, and Licences to Preach in stated Parochial Congregations, the juggling People out of their Money and their Loyalty, are all Arrows that Originally came out of the *Romish* Quiver: and that there can be no doubt, but ever since this mans Success, the Pope and Colledge *de propaganda fide*, the Jesuits and Priests have been industrious to improve this Advantage, and to stock us with disguised *Emissaries*, who increase our differences, and exasperate all the Separations against the Church of *England*, in hopes by our Divisions to destroy both.

* It is to be hoped he will be a lying Prophet, who was a false one, and that this Relation will contribute to the removing that stumbling Block.

† This gave Occasion to the Act for 12. d. per Sunday, for missing Divine Service.

But that in the Mouth of two Witnesſes, Truth may be juſtified, I will preſent the Reader with an exact Counter-part of the ſame *Romiſh* Indenture, whereby they have all bound themſelves to work the Ruin of the Church of *England* by this Method of raiſing, fomenting, ſupporting, and exaſperating Diviſions and Separations among us.

The following Narrative is a true Copy taken out of the Registry of the Episcopall See of Rocheſter, in that Book which begins Anni 2 & 3 Phil. & Mar. and continued to 15 Eliz.

A ſtrange Diſcovery of a Jeſuit counterfeiting a Proteſtant, to ſow Diviſion and raiſe Sects.

IN the year 1568. being the Eleventh of Queen *Elizabeth*, one *Thomas Heth*, Brother of *Nicholas Heth*, Biſhop of *Rocheſter* in the Reign of King *Henry* the Eighth, came to the Dean of *Rocheſter*, and pretending to be a poor Miniſter, made Application to him, to preſent him to the Biſhop, in order to ſome Preferment. The Dean thought it fit to hear the ſame *Tho. Heth* Preach in the Cathedral Church, before he would intereſt himſelf in his behalf to the Biſhop. Accordingly he appointed him to Preach upon the 21 of *November*, where he took his Text, *Acts* 12. v. 6. *Peter therefore was kept in Priſon, but Prayers were made without ceaſing of the Church to God for him.* But ſo it happened, that while he was Preaching, caſually by pulling out his Handkerchief, a Letter dropt into the bottom of the Pulpit, directed to him by the Name of *Thomas Finne*, from one *Samuel Malt* a notorious *Engliſh* Jeſuit, then at *Madrid* in *Spain*.

This Letter being found in the Pulpit by *Richard Fiſher*, Sexton of the Cathedral, he carried it immediately to the Dean, who upon peruſal, went preſently with it to the Reverend Father in God, *Edmond Geſt*, then Biſhop of that See, who upon the reading of it, inſtantly cauſed the ſaid *Heth* to be apprehended, and the next day being *Monday, November 22.* brought him to Examination.

Biſhop. Mr. *Heth*, How long have you Preached in *England*?

Heth. About ſix years and more.

Biſhop. Were you of any certain Order formerly, before this late Reformation of the Church of *England*?

Heth. Yes I was.

Biſhop. What was that?

Heth. The Order of Jeſus.

Biſhop. Are you not ſtill of that Order, and have you not now and then ſome Correſpondence with that Order?

Heth. The Miniſtry will venter to inſtruct one another; but your Lordſhip ſeeth how I have retired my ſelf from thoſe whom you call Jeſuits.

B. We ſuppoſe Mr. *Heth*, you have not totally forſaken their Tenents, though you have their Perſons.

H. Wherein may I be ſuſpected not to forſake their Tenents as well as the Company?

B. There is great ſuſpition, That you are not of the Church of *England*, by the words which you ſpoke yeſterday in your Sermon.

H. What words are thoſe my Lord?

B. You

B. You said, That it was not those Prayers of the Church of *England* as are now Established, that brought *Peter* out of Prison, but * Spiritual Prayers.

H. And were they not Spiritual Prayers that availed him? And where have we Scripture for any set Form in the Church?

B. † If there be no Scripture for any set Form in the Church of *England*, much less for any set Forms among your Fraternities; for what we have Established is out of the written Word of God. * But as for your Popish Orders, viz. *Augustines, Dominicans, Franciscans, Jesuits, &c.* you all differ in the Prayers of the Mass, one from another; where then is your Scripture for so many Varieties of Prayers and Masses?

† The Language exactly of Separatists. * A good Answer to both Papists and Dissenters. *Quere*, Whether the Directory were warranted by express Scripture. † Diversity and Variety of publick Prayers taken from a Popish Pattern, no where warranted in Scripture.

* Observe the Design of the Papists from the beginning of the Reformation to bring the Prayers and Church into contempt, as not being (spiritual Prayers, and how well Dissenters have copied this Original.

H. They have Antiquity on their side, and for the Alteration of Prayers, every Fraternity and Convent hath power among themselves, as is most fit, for that Congregation assembled.

B. Now seeing you have begun to talk of Antiquity, pray Mr. *Heth* tell me, * Were all the Orders of the Church of *Rome* Ordained at once? No surely, for some Orders are ancients than other, by reason they have been allowed by several Popes: But as for yours, that Order was but of late days Established, therefore you have little or no Antiquity to plead.

* The Jesuit entrapped by his own Plea.

H. My Lord, You see I am fallen from that Society, which I perceive by your Passages in Examining me so strictly, you suspect me to be one of them still: I confess, † I am not so totally of the Episcopal Party of *England*, * because I have laboured to refine the Protestants, and to take off all smacks of Ceremonies that in the least do tend to the *Romish* Faith.

† Observe, that the Jesuits are Enemies to Episcopacy, and for a purer, or

in the Language of Dissenters, a thorough Reformation. * A Jesuit pretends to refine, but intends to destroy, and 'tis evident, that whoever do so, do their work.

B. Hath our Gracious Queen, by her Learned Council, and Assembly of Divines, who several times sat for the Reformation of Religion, now Declared and Confirmed by her Highnesses High Court of Parliament, established the Forms and Manners thereof, † what hath any particular man to meddle any further?

† An unanswerable Question to all Dissenters, who are no

H. * It was but my good will in endeavouring to make it purer.

more but private persons. * From the good will of such pretenders, whether Papists or Dissenters, Good Lord deliver us. For we know by woful experience, the fire of Reformation pretends to refine, but being over-hot does consume.

B. You are a pure Steer, I must needs say, in pretending that you are reformed: yet let me ask you one Question, Mr. *Heth*. Had not you of late any Letters from any of your Society?

H. I might have had Letters, must I therefore be of their Order still, because they write to dissuade a man from his Principles? No sure, my Lord.

B. Your Society write, Mr. *Heth*, not to dissuade you, but that you may dissuade others; however, tell me, Did you ever know or hear of a man called *Samuel Malt*?

H. I have heard of such a man.

B. Yes.

B. Yes, and you know him full well.

H. It may be so my Lord.

B. Mr. Dean, shew Mr. *Heth* the Letter, and let him tell whether he knows the hand-writing; and call in *Richard Fisher* to come into the Court.

Richard Fisher, Here, my Lord.

B. How came you by this Letter?

R. F. I found it yesterday after Even-song, in the Pulpit.

B. You know it if you see it, is this the same?

R. F. The very same.

The Letter was, as follows :

Brother,

THE Council of our Fraternity have thought fit to send you David George, Theodorus Sartor, and John Huts, their Collections, which you may distribute wherever you may see it may be for your purpose, according to the Peoples Inclinations. These mixtures with your own, will not only a little puzzle the Understandings of the Auditors, but make your self famous : We suppose your Wants are not considerable at present, by what we have heard, how your Flock do admire you every day more and more. Be not over zealous in your Proceedings in the beginning; but gradually win on them as you visit them, and according as you find their Inclinations bend to your Design, let us hear how you have proceeded, for it will satisfy your Brethren much, and enable them the better to instruct you for the future. Hallingham, Coleman, and Benson have set a * Faction among the German Hereticks, so that several who have turned from us have now denied their Baptism, which we hope will soon turn the scale, and bring them back to their Old Principles. This we have Certified to the Council and Cardinals. † That there is no other way to prevent People from turning Hereticks, and for the recalling of others back again to the Mother Church, than by the diversities of Doctrines. We all wish you to Prosper.

Madrid, Octob. 26.

I 5 6 8.

S A M. M A L T.

* The Original of the Sects in Germany among the Protestants from the Jesuits.
† The Reader is desired seriously to observe, That the Jesuits, Pope and Cardinals have laid this down as a Maxim, That Divisions and Separations are the most effectual way to introduce Popery, and ruin the Protestant Religion.

B. Look here Mr. *Heth*, here is a Letter, and it is to be supposed to drop from you when you Preached yesterday, for none stood in the Pulpit but your self.

H. Let me see the Letter once more, Mr. Dean; See, my Lord, this Letter is directed to another man, named *Thomas Finne*, but my Name is *Thomas Heth*.

B. You are not the first man that hath altered you name: How long have you been in Town?

H. About three weeks.

B. To what intent came you hither?

H. Upon two accounts, my Lord: First, to visit my Friends, for my Brother *Nicholas* was Bishop of this See formerly: Secondly to be preferred; for the Dean promised to recommend me to your Lordship.

B. Mr. Dean did you promise to prefer Mr. *Heth*.

Dean

Dean. I did, my Lord, and upon that account I permitted him to Preach before you ; but this Paper hath altered my Intentions.

After this Examination, it was resolved to send to Mr. *Heth's* Lodgings, at the *Queens Arms* in *Rocheſter*, where, upon ſearch in one of his Boots were found his Beads, and ſeveral Papers, among which was a Licence from the Fraternity of the Jeſuits, and a Bull dated the Firſt of *Pius Quintus*, to Preach what Doctrine that Society pleaſed for the dividing of Proteſtants, particularly naming the *Engliſh* Proteſtants by the Name of *Hereticks*. In his Trunk were ſeveral Books for denying * Baptiſm to Infants : with ſeveral other horrid Blaſphemies : which being brought before the whole Aſſembly then preſent, the Biſhop adjourned the Court, appointing another day for further Examination, till they had acquainted her Majeſty and her honourable Council with theſe Paſſages, and ſent for further Inſtructions how to proceed in this Affair. In the mean time *Heth* was committed a cloſe Priſoner, and manacled, till Order came from the Board.

* The Papiſts
Authors of
the Sect of
Anabaptiſts.

On the 25th. of *November*, being *Thuſday*, the Biſhop called a Court, and ſent for *Heth*, who coming before him, a great number being aſſembled to hear the matter, the Biſhop ſpoke as followeth :

Mr. *Thomas Heth*, It is viſible how you have not only deluded ſeveral poor Souls, but alſo abuſed her Majeſty, and the Miniſtry of this Kingdom, by your *Romiſh* and Jeſuitical Policy, purpoſely to ſow Sedition in the Church of Chriſt : it is well known, that though your Society have taken the Name of Jeſus, by terming themſelves Jeſuits, yet you have denied Chriſtianity, which is Chriſt : for ſeveral have been called by the Name of Jeſus, but none by Chriſt, from which all true Believers term themſelves Chriſtians : by this means you endeavour to bring the People back to your Popiſh Zeal again : † But you will be miſtaken, for that ſort of People whom you endeavour through a blind pretended Zeal to withdraw from the Church, will at laſt be your *Bane*, and hate your *Society*, ſo that at the end, when ye ſhall think ye have accompliſhed your Evil Deſigns, and fall upon the Church of Chriſt, thoſe very People whom ye have after theſe Satanical Deluſions beguiled, will not ſo much, through Love, joyn with Chriſt to overthrow your evil Intentions, as through perfect hatred to your wicked Policies.

† Thoſe who
ſtill continue
theſe Separations
which the Jeſuits
firſt begun,
are deſired in
the Name and
Fear of God,
to conſider,
whether they
are not guilty

of the ſame Abuses. A Prediction that Separatiſts ſhall, when they ſee how they have been abuſed by the Jeſuits, unite with the Church of *England*, to extirpate Popery, which they have endeavoured to re-eſtabliſh, by overthrowing the Proteſtant Religion by their own Diviſions.

To ſeveral mens knowledge, as we have ſince enquired after thy Actions, thy Hoſteſs and her Husband have declared, That thou haſt ſpoken againſt thine own Order ; yet thou by thy outward Purity haſt deſiled thine own Calling under pretence of purifying the Church of *England* What canſt thou therefore ſay for thy ſelf, that thou mayeſt not be made a Publick Example to all Spectators, for thy wicked Schiſmatical Sedition, ſown within theſe her Majeſties Dominions ? Wilt thou openly declare before God and the World thy wicked and evil Intentions, which cauſed thee to run into theſe Schiſms, and reform thy courſe of Life which now thou liveſt in and not only my ſelf, but the whole Court here Aſſembled, will endeavour to get thy Pardon, and provide for thy future maintenance.

H. My

* Shame the true Reason why some persist in their Opinions, and not Conscience or Religion.

† A true, but dear Experiment,

H. My Lord, I know not what I might have done, had I not been so publickly examined, * but seeing my Vocation is so publickly known, I shall not acknowledge my self to be guilty of any Misdemeanour; for I have fought a good Fight for Christ, whose Cause I have taken in hand. † This Experiment I tryed among my Countrymen, that the World may see that all those who term themselves Protestants, are not of the Church of *England* though they speak against *Rome*.

to which the Church of *England* may write a sad *Probatum*.

† A Thing so-berly to be considered by Dissenters.

* A necessary Caution to all such as value their Souls, Bodies, or Estates, the Peace of the Publick, or the Protestant Religion.

† *Cedro digna!* An Aphorism of undoubted Truth. * Which without the Assistance of Separatists, is humanely speaking, impossible.

The Bishop hearing him speak so obstinately, said, Behold, my Brethren, a Jesuits Confession! how he hath declared, he had set up a certain Form of Religion, purposely to withdraw you from the Church of *England*. These things will be among us while we are a Church; † but wo be to those Deluders, or to those who will be deluded by them: We have a good Law, and the Light of the Holy Gospel now flourishing among us, which hath for these many years past, been absconded? * therefore my Brethren, consider the Condition of your Souls; * *If you start aside once from your Principles, having the right way so plainly set before you, ye will not only run into Popish Slavery again, but be in Peril of a total Confusion of Soul and Body; * and if Rome get once her Foot upon these Dominions again, not only your selves and your Children, but your Princes and Nobles, shall become Slaves to her Idolatry.*

After this, *Heth* was remanded to Prison, and for three days brought to the Market-place at *Rocheſter*, where he stood by the *High-Croſſ* with a Paper before his Breast, in which were written his Crimes, then he was Pilloried, and on the last day his Ears were cut off, his Nose slit, and his Fore-head branded with the Letter *R*. and he was condemned to indure perpetual Imprisonment: but it lasted not long, for a few Months after, he died suddenly, not without the Suspicion of having poyson'd himself.

Observations to be deduced from this Narrative.

From this Narrative we may observe, that the chief Rise and Original of our unhappy Divisions and Separations is to be fetcht from the devilish Policy of the Papists, counterfeiting a Design to advance the Reformation of the Protestant Religion to a greater Purity; That the Pope, Cardinals and Jesuits, have been always instrumental in raising these Divisions and Separations, and that they judge this the most effectual way to introduce Popery; that they hate our Bishops and Prayers, and delude innocent and unwary People into a dislike and hatred of them; that there is no way to discover them, but by their sowing these Seeds of Separation and Sedition; and that therefore it is the Interest of all true Protestants to unite with the Church of *England*, and thereby give that deadly blow to the *Romanists*, which the Bishop here seems prophetically to foretel, and to quit these Separations, which otherwise will hazard the Ruin of Protestant Religion, by the Introduction of *Popery*.

THE Papists having thus lent their Assistance to sow the Seeds of Dissention, Schism, and Separation in the Church and Kingdom, the Dissenters were diligent and sedulous in the Cultivation of them, and stoutly opposed themselves against the Articles concluded in the Synod at *London*,

London, Anno 1562. for abolishing of Schisms, of which the aforementioned *Cambden* gives this further Account.

That being inflamed with a Zeal of Religion, and breathing forth nothing but the purity of the Gospel, they not only calumniated the Ecclesiastical Policy, as corrupted Romish dregs, both by publick and private Preaching (as also by setting forth Books which they Entituled, An Admonition to the Parliament, and, An Apology for the Admonition) but also they refused to come unto the Divine Service received, and framed and usurped to themselves other Rites and Ceremonies in Gods Service: Inasmuch as the Queen mistaking them, as men of an unquiet Spirit, greedy of Novelties, and most forward to root up things well Established, to the End to prevent a Schism, Commanded the Severity of the Law concerning the Uniformity of Publick Prayer to be every where put in Execution, and the said Books to be delivered in to the Bishops or to some other of her Council upon pain of Imprisonment.

*Cambd. Ellz.
Anno 1573.*

Having now spread the Poyson of their Calumnies far and wide, and gained many, not only of the inferior Ranks of the People, but also of the Better Sort to their persuasion, they began to appear not only in Conventicles, but in the Parliament, in the House of Commons, and there to give the Queen great disturbances, as appears out of the forecited Author.

In this Parliament, (saith he,) there were which out of a desire either of Innovation, or Reformation, vehemently troubled the Ecclesiastical Estate though the Queen forbade it, by preferring Bills for restraining the Episcopal Jurisdiction in Granting of Faculties, in Confering of Holy Orders, in the Ecclesiastical Censures, and in the Oath Ex Officio. and by propounding a New Oath to the Bishops, which they should take in the Chancery and the Kings Bench, to wit, That they should not repugn against the Common-Law of England. And also by requiring Residence of Pastors, and by declaiming as if the Church of England lay destitute of Learned Pastors, which now questionless had more Learned Pastors than any other Age, or any other Reformed Church. But the Queen who highly favoured modest Church-men, and mistaking Innovators as changing always for the worse, utterly rejected those things as devised to overthrow her Prerogative and Supreme Authority in Ecclesiastical Matters.

*Cambd. Ellz.
Anno 1585.*

But this availed little, for being now grown numerous they began to grow Insolent, and the Presbyterians during the Minority of King James, Tyrannizing in Scotland, did by a mutual Entercourse not a little strengthen and animate those of their Way in England; and thinking they had the Queen at an advantage upon the Rumor of the Spanish Invasion, which had filled all the World with expectation of the Event, they beset her with greater importunity, and plied their Affairs as if they had been of the Confederacy with the Spaniards. Hear Mr. *Cambden's* Account of them.

*Vide Bancrofts
Dangerous Po-
sitions. pag. 6.
& alibi.*

As England (saith he,) was troubled with outward War, so did it travel this Year of an inward Schism also: and certainly never did Contumacious Impudency, and Contumelious Malapertness against Ecclesiastical Magistrates, advance it self more insolently. For when the Queen, who was, Alwaies the Same, would not hearken to Innovators in Religion, who would as She thought, cut the Sinews of the Ecclesiastical Government, and her Royal Prerogative: Some of those which only esteemed the Discipline of the Church of Geneva, thought there could not be any other means devised to mstablish the same in England, than by inveighing against the English Hierarchy, and raising ill will among the People against Bishops and Prelates: these men therefore

*Cambd. Ellz.
Anno 1588.*

set forth scandalous Books against both the Church-Government and Prelates, the Tittles whereof were Martin Mar-Prelate, Diotrephes, Demonstration of Discipline, &c. wherein they belched forth Calumnies and Opprobries in such scurrilous manner, that the Authors might seem rather Scullions out of the Kitchen, than Followers of Piety. The Authors were Penry and Udal, Ministers, and Job Throgmorton, a Learned Man and a pleasant Talker. Their Favourers were Sir Richard Knightly, and Wigston, Knights, men otherwise Good, Grave and Wise, but circumvented by certain Ministers which aimed at some private respect of their own: for which the said Knights had smarted by a grievous Fine laid upon them in the Star-Chamber, had not the Archbishop of Canterbury, such was his mildness, with much ado intreated and obtained a Release thereof from the Queen. Whilst these men by Calumniation made way for their said Discipline, others that had a hand in their Counsels, began to exercise the same in Corners, contemning the Authority of the Laws, holding Synods and Conventicles in certain places, and instituting Presbyteries. And for this Cause were called in Question, Thomas Cartwright, Edmund Snape, Andrew King, Proudlow Pain, and others of their Ministers, whom some over-hot People Conspired to deliver out of the Magistrates hands.

To this purpose was the Lord Keeper Puckerings speech to both Houses of Parliament, Especially, faith he, you are commanded by Her Majesty, to take heed that no Ear be given, nor time afforded to the wearisome Solicitations of those that commonly be called Puritans, wherewithall the last Parliaments have been exceedingly importun'd; which sort of men, whilst in the Giddiness of their Spirits they labour and strive to advance a new Eldership, they do nothing else but disturb the good repose of the Church and Commonwealth: and as the case standeth it may be doubted, whether they or the Jesuits do offer more danger; or be more speedily to be repressed; for albeit the Jesuits do impoison the hearts of Her Majesties Subjects under a pretence of Conscience, to withdraw them from their Obedience due to Her Majesty, yet they do it but closely, and only in privy corners; but these men do both publish in their printed Books, and teach in their Conventicles, sundry Opinions, not only dangerous to the well settled Estate and Policy of the Realm by putting a Picque between the Clergy and Laity, but also much derogatory to Her Sacred Majesty and Her Crown, as well by the diminution of Her ancient and lawful Revenues, and by denying Her Highnesses Prerogative and Supremacy, as by offering peril to Her Majesties safety in Her own Kingdom. In all which things, however in many other Points they pretend to be at War with the Popish Jesuits, yet by separating themselves from the Unity of their fellow Subjects, and abusing the Sacred Authority and Majesty of their Prince, they do both joyn and concur with the Jesuits, in opening the Door and preparing the Way to the Spanish Invasion that is threatned against the Kingdom.

Not to trouble the Reader with their dangerous Antimonarchical Principles, which now they began to divulge openly and which may be seen at large in Archbishop *Bancrofts* Account of them in his Book of their dangerous Positions and Practices. This Insolence of theirs in a time of so common and eminent Danger, made *Leicester* and *Walsingham*, who before had countenanced them, renounce any further favour to them, professing that they had been horribly abused by their Hypocrisie.

The Queen finding the danger of these, and the other Sects of Anabaptists, Brownists and Familists, and reflecting upon the dangerous Tumults of *John of Leyden* the Cross-leg'd King of the Anabaptists, and the

Pranks

Pranks he played at *Munster*, which daily increased, as my Author informs us in the year 1576, and 1583. She began to think of curbing them, which She effected both by Enacting severe Laws against them, as particularly those of 28 and 35. *Eliz.* and by executing the severity of the Capital Laws against divers of the Ring-leaders of the Faction, *Penry, Hacket, Coppinger, Arthington* and *Barrow*, as whoever pleaseth may at large read in the said fore-cited Historian.

And here give me leave to insert a short passage concerning this *Hacket*, who was a most pernicious Instrument in promoting the Reputation of *Extempore* Prayers, in opposition to the Liturgy, and stated Prayers of the Church.

It is to be Noted (saith the Relator,) that *Hacket's* Abilities in Prayer persuaded himself that it was from Gods Spirit, but was manifestly from the Devil, as appeareth by his beginning and ending. At his beginning in *Oundel*, he having got Profelytes they left the Minister on Sabbath days at *Oundel*, and he and they went a mile to a Town called *Stoke*, which Minister they liked better than their own: notwithstanding they stand without the Walls, and would not come within until the Church-Prayers were Ended; from whence observe, saith my Author, That he was one of the first that began that proud Custom: and as his beginning was evil, so his ending was worse, and let his Followers in that thing be their own Judges; I will write down his last Prayer that he made at his Death, *verbatim* as it is Recorded in that Book called *A Conspiracy for Reformation*, Printed 1592. Pag 72.

'O God of Heaven, Mighty *Jehovah*, *Alpha* and *Omega*, Lord of Lords, King of Kings, and God Everlasting, that knoweth me to be that true *Jehovah* whom thou hast sent, send some Miracle out of a Cloud to Convert these Infidels and deliver me from these mine Enemies, if not, I will fire the Heavens, and tear thee from thy Throne with my hands.

'Behold! (adds he,) and stand amazed, you that adoring your own Gifts, slight the Church-Prayers! And as he was bold in this, so in his ordinary Prayers, *God dam him, God confound him Body and Soul, if such or such a thing were not so, if he did not seek the honour of Jesus.* From whence it hath been observed, That this *Hacket* was the first that brought that cursed manner of Execration into the World; and was not this a good Reformer crying out against Priests and Jesuits, the only Cloak of his Rebellion.

At last he came to that Blasphemous Impudence, that he said, *He was Christ's Substitute on Earth, partaker of his Humane Nature and Glorified Body; That he was King of Europe, and the Queen and all Princes must be Authorized to Govern the Church without Bishops in the Disciplinarian Way by him.*

Whoever will see more of this, may consult *Cambden's Eliz. An. 1591.*

And the reason of the Queens proceeding so with them is excellently described in a Letter written by that great Statesman Sir *Francis Walsingham* to Mounseur *Critoy* Secretary of *France*, part of which I have here inserted for the Readers better Information.

He tells him that it was ever the Queens Method and Rule of proceeding.

I. That Consciences are not to be forced, but to be won and reduced by the force of Truth, and the use of all good means of Instruction and Persuasion.

Cambd. Eliz. Annis 1576, 1583.

A Short Account of *Hacket*, one of the Ring-leaders of the Puritan Reformers. *Pagis Herography. 218, 219.*

Hacket's Ephemous Extempore Prayer at his Death.

The Original of that horrid Execration of *God dam me*, from a Reforming Puritan.

Cabala, fol. 406, 407.

2. That the causes of Conscience wherein they exceed their bounds and grow to be matter of a Faction lose their nature; and that Sovereign Princes ought distinctly to punish the practices in contempt of their Authority, though coloured with the pretence of Conscience and Religion.

That the Queen took this Course against the Papists and the same against the Puritans, and that those who at first inveighed against Pluralities Non-residence, &c. when they refused the Ceremonies and Rites as Superstitious, called in question the Superiority of Bishops, and pretended to bring in a Democracy into the Church, and because Papistry was odious, therefore it was ever in their mouths that they sought to purge the Church from the Reliques of Popery, a thing acceptable to the People, who love ever to run from one extream to another, yet they were born withal; but now of late when there issued from them a Colony of those that affirmed the consent of the Magistrate was not to be attended, when they combined themselves by Classes and Subscriptions, descended into the vile and base means of defacing the Government of the Church by ridiculous Pasquils, to make Subjects in doubt to take an Oath, which is one of the fundamental points of justice in this Land, and in all places; when they began to vaunt of their strength and number of their Partizans, and to intimate that their Cause would prevail, though with Uproar and Violence, then it appeared no more Zeal, no more Conscience, but mere Faction and Division, and the Queen was obliged to stand to Her former Rules, and to lay a harder hand upon them, dealing tenderly with Conscience, and yet discovering Faction from Conscience. Thus far he; and indeed had I not feared my City would have run all out at the Gates the Reader had had the whole Letter, which is written with a great perspicacity of Judgment, and propheticall Truth. This gave such a Cooler to their fiery heat and intemperate Zeal, that they did not appear so bold and insolent in publick, though they still applyed themselves secretly to the carrying on of their Discipline.

Whoever will be further informed both of their dangerous Opinions and Conspiracies against that Queen may receive full satisfaction from the before cited Book of Archbishop *Bancrofts*, lib. 4. pag. 129. and so forward.

I must be forced to shorten Sail, lest I over-run my Port, and therefore the Reader must know that during the peaceful and happy Reign of King *James*, till towards the latter end, they had not the opportunities of doing those mischiefs which they had intended, but still they went on Profelyting People daily to their Way, and insinuating into their minds the Horrors and Fears of a Relapse into Popery by reason of the near Vicinity of the Ecclesiastical Government to the practice of the Roman Church; and the People having once drunk of this intoxicating Cup of Fears and Jealousies, all things seemed to turn round with them, as if they were returning to that place.

But all this while they were not idle, though they appeared indifferent quiet: for it was the daily industry of the Non-conformitans to strengthen their Party, especially among the Nobility and Gentry, the Cities and Burroughs; that so they might get a Parliamentary assistance and effect their Designs by the seeming countenance of Authority; and indeed the pretended Sanctimony of their Lives, their outward fierceness against Popery, their unwearied diligence in Preaching, and as they called it Preaching the Gospel and for a thorough Reformation, though the greatest part of that was speaking evil of Dignities, accusing and calumniating the Bishops

Bishops and Hierarchy, the Liturgy, Ceremonies, Vestments and decent Orders of the Church, as guilty of Popery and Superstition, quarrelling about Pluralities and Non-residence, &c, yet by these Arts they had gained so great an Ascendant upon the Peoples affections, that they began to frame the House of Commons, or at least a Party in it, with whom fell in all the Discontented and Popular Men, and gave continual interruptions to the Parliamentary Affairs.

The unfortunate Wars of *Bohemia* and the Palatinate, together with the fruitless Treaty of the match with *Spain*, and several Transactions therein gave them Opportunity and furnished them with new matter, to complain of the danger of Popery, with which they still inflamed the People not only now against the Church but the Court, and finding the necessity of the Crown to be very great by the extraordinary expences upon these Occasions, they did not fail to lay hold upon them, and by keeping off Supplies, they indeavoured to starve the Crown into a Composition with them, and to exchange Prerogative for Money, and the Government of Episcopacy for the *Geneva* Reformation.

Mr. *Rushworth* in the first part of his Historical Collections will sufficiently evidence this in the several Petitions, Remonstrances and other Parliamentary Transactions wherein the Discontented and Puritanical Party were the chief, if not the only, sticklers; and in truth he has faithfully Collected whatsoever might give the least Umbrage to the growing Jealousies of the Designs even of the King himself to favour and connive at, if not Tolerate and establish the Romish Religion, witness the Articles of the *Spanish* match, fol. 86, 87, 88. the Popes Letter to the Prince of *Wales* and his Answer fol. 78, 99, and 82. to induce the World to a belief that there was a real design to introduce the Romish Religion, and it seems so Popular was the Rumor grown, being industriously promoted by the Puritanical Faction, that, as Mr. *Rushworth* informs us, though he does not tell us how he came by the Letter which renders it suspicious to be a Fiction. Archbishop *Abbot* writ to King *James* to dissuade him from granting a Toleration to the Papists, fol. 83. for certainly being discharged the Court, and out of favour, having nothing to do with the management of Counsels, he could have no other foundation, but either his own conjecture, or the common Rumor, both equally liable to deceive and to be deceived.

However Mr. *Rushworth*, as his manner is, indeavours to rivet this Imputation and Calumny upon both the Kings, and not only drives the Nail to the Head, but as he thinks, clinches it on the other side, by giving an Account of certain private Articles sworn by King *James* and engaged to by the Prince, to grant a Toleration of Popery and take off all the penal Laws, fol. 89, 90. and also upon the *French* match, fol. 169.

Now though not only the improbability, but impossibility of either of these Kings being able to perform these Articles, in regard they both knew not only the strength and constitution of the *English* Laws against Popery, but that the strong Genius of the *English* Nation could never be brought to comply with it in Parliament, renders it irrational to suppose they should ever engage their Oaths, Word or Honour for the performance of them, yet in regard of the malicious influence that that Opinion has had upon the publick Affairs, I am obliged to indeavour to do the Memories of those two Princes all the right I can against that prevailing Detraction, and I hope that by removing the false and sandy Foundations of those Calumnies, they will remain to Posterity rather a rude heap

heap of the desperate Malice of their Enemies, than a Monument of Infamy to their Memories.

And first, For that Letter to the Pope whoever reads it will find it a thing of mere Ceremony, and yet such a one as the Prince was necessitated by his Affairs to make, there being for the Consummation of the match a necessity of a Dispensation from *Rome*, and though possibly a match with a Protestant Princess had been more auspicious, yet the Prince being then in the Power of the *Spaniards*, it was no more than common Prudence and Policy obliged him to, both for the promoting the Treaty, and security of his Person, of which he was not without some apprehensions, as appears by the first words he spake after he was got safe on Board, *That it was a great weakness and folly in the Spaniard after they had used him so ill to grant him a free departure.* It was certainly a great Piece of Wisdom and Conduct to keep them still in hopes, and the Reader may observe, that some time before, he was in great fear of some such ill usage, by a passage of a Letter mentioned by the aforesaid Author from the Prince to the King, fol. 103. *You must now, Sir, look upon my Sister and her Children, never thinking more of me, and forgetting that ever you had such a Son;* and the little space between the writing this Letter which was dated *June 20. 1623.* and the Princes leaving *Spain* which was *Sep. 12.* following, apparently manifests, that it was nothing more than a Fineness and Artifice to get himself safe out of their hands, and had he disoblged them, so as to have been made a Prisoner, what Terms of Compliance might they have expected in favour of their Religion, and what other advantages they might have made, having such a noble Hostage in their Power, is not only easie to imagine but will for ever be able to excuse a greater Crime than this pretended Letter; for after all this, Mr. *Rushworth* gives us no Authority for the Truth of it, and confesseth there is another different Copy, and I believe the *French Mercury* is his best Author, though he tells us, fol. 82. it was a Copy preserved by some of them there in *Spain* at the Treaty, but does not tell us what some, and this indefinite, like *vir quidam*, a certain man who always wants a name, is a most uncertain Author, and of too little Credit to build even an Historical Faith upon his Reputation.

And certainly were the thing true, yet *rebus sic stantibus*, it was so far from being Criminal, that it was one of the greatest Pieces of Wisdom and Conduct in the Prince, and kindness to the Protestant Religion and Interest, which at that time might otherwise have suffered much more than I am able or any other person to conjecture.

And now for Mr. *Rushworth's* private Articles of the two matches which he so confidently transmits to posterity for Truth, as if he had the Originals under the Great Seals of *England* and *Spain* in his Custody.

First, I observe that he gives us no other Authority for the Truth of them, besides his *αὐτὸς ἔφα*, and I think considering what has before been said and proved of him, that is of no great value, and if the *Mercury Francois* be his Author, his Reputation is far less, being of the same standard and Reputation with our Courants, Domesticks and Mercuries, who pick up materials to stuff a page at all adventure, and can be supposed to have as little true knowledg of the secret Affairs of Princes, as they have occasion of Conversation or Intimacy with them or their Cabinet Counsels.

Secondly, I observe, that the Wicked and Traiterous Remainder of the House of Commons in their Declaration before-mentioned offer this only as a private Suggestion; of private Articles agreed in order to the Match with *Spain*, and those other private Articles upon the *French Marriage*, so preju-

Hist. coll. fol.
104.

Declar. of Commons of England, &c.
pag. 12.

prejudicial to the Peace, Safety, Laws, &c. for had there been any Authentique Remains of any such private Articles, they must have been in the Paper-office or Signet-office at *Whitehall*, where the Duplicates of all such Transactions are repositied; and these persons had the Ransacking, and I doubt not but, our Author in particular whose hand or one very like that of the Clerk assistant of the House of Commons, I have seen indorsed upon several Papers which they made use of against His Majesty, and they did not fail in making diligent search for whatever might serve to defame the King or justify their Usurpations.

Now certainly nothing could have so effectually contributed to the making good their charge of the Kings Design to introduce the *Romish* Religion, as these Authentical Articles under the hands and seals of King *James* and King *Charles*, which if there had been any such thing would have been there to be found; and I dare undertake for them that had there been any such thing in *Rerum natura*, or had they had any more than bare and improbable conjectural Grounds, they wanted not the malice to have presented the World with them in words at length and not in figures, and to have preserved the Originals, which if Mr. *Rushworth* has in his possession he should do well for his own Vindication to produce: but instead of this here is *altum silentium* in this part of the Charge as to particulars; only Mr. *Rushworth* generously in justification of them after the King had lost his Head by these false suggestions comes and supplies that defect in the Declaration and gives us these private Articles in publick, but after his way, without the least colour of Authority where or from whom he had them, only you must suppose the same some-body that kept a Copy of the Princes Letter to the Pope, gave him also the Copy of these private Articles with *Spain* and *France*.

Thirdly, I remember that Monsieur *De Ageant* in his Memoirs, in the Negotiation with King *James* about the Roman Catholicks, makes not the least mention of any such Concessions from that King in his life, and certainly the fair carriage of King *James* in that particular, was that he might not be slur'd by the *French* as he had been with the *Spaniard*; and for King *Charles* he absolutely acquits him of any such Design in this remarkable passage, pag. 357. *Mais tous ces bons projets parent bien-tost aneantis par la mort du Roy de la grand Bretagne; Le Roy mesme m'en donna la premiere nouvelle à la Messe avec ces termes de regret, Toutes nos Esperances d'Angleterre sont perdues.* Telling us that all their good Designs were ruined by the Death of King *James*, and that the *French* King himself gave him the first Account of it at Mals with these expressions of Grief, *All our hopes of England, saith he, are lost.*

Lastly, Mr. *Rushworth* contradicts himself, wanting it seems one principal Faculty, of a good Memory, which some People it is said ought above all things to have, for in the same page with the Popes Letter he tells us, That Orations, Processions and Pompous shews were made in *Spain* to allure the Prince to Popery; Popish Books were Dedicated, and Popish Pictures presented to him; they carried him to the most Religious places and to persons famous for pretended Miracles: and they shew him of what Importance his Conversion is, to the gaining of a large entrance into the *Infantas* Affection, and a smooth path to this Catholick Marriage: and in case a Rebellion in *England* should follow his change of Religion. they offer an Army to subdue the Rebels. But adds he, the Prince remained stedfast in his Religion: neither did he express any shew of change. Thus far our Author, but within two or three Pages, viz. fol. 89. *quantum mutatus*

Memoires de Monsieur de Ageant, Envoyez à Monsieur le Cardinal de Richlieu. A Grenoble chez Philip Paruys, Marchand Libraire à la place Mal Conseil, 1668.

Hist. Col. pag. 83.

mutatus ab illo! he brings him in with a Moreover I Charles Prince of Wales, &c. Promising to do all that lay in his Power to Establish Popery. So that in one place our Author must be guilty of an untruth to give it no worse name, and he that has once burnt that Character in his own hand, is not afterwards to be admitted as an Evidence, or his Testimony much to be valued.

But that I may at once Vindicate the Innocent Reputation of that Illustrious Martyr, I will subjoin a Letter written by the Lord Digby, and which is still extant in the Paper-Office, which will abundantly clear his Memory from that imputation of Popery, which was the great Engine by which the Rebels wrought his Ruin. This Letter among others was intercepted, and being referred to a Committee to be perused what was fit to be divulged and Printed, I find indorsed upon it in a hand not unlike that of the Clerk Assistant of the House of Commons, but I will not say it is Mr. Rushworth's, because one hand may be like another, *Quere as to the Printing of this Letter: And a little lower, Needless to be Printed.* And indeed this Letter being written presently after Nazeby Fight, and the King being then in the Lowest Ebb of his Fortune, and yet not to be Tempted to alter his Religion, or do any thing in favour of the Irish Papists contrary to his Conscience, is a Demonstration as clear as the Meridian Sun, both of the Truth of his Adherence to the Protestant Religion, and the Falseness of those malicious Calumnies with which the Factious, and then Rebellious Dissenters loaded him, and at last brought him and the Monarchy to a fatal period. The Letter follows:

My Lords, and Gentlemen.

A Letter by
the Kings Or-
der, to my
Lord Muskery,
&c.

HIS Majesty having long expected a Conclusion of a happy Peace within that Kingdom, and his Affairs having highly suffered by the failure of his Expectations from thence; cannot choose but wonder what the Cause is of it, Calling to mind their fair Professions, and Promises which you made unto him, when you were Employed here, as Agents, and knowing well what Power and Instructions he hath long since given my Lord Lieutenant, to Comply with you for your Satisfaction, as far forth as with any Reason or Honour his Majesty could in Civil things, or with Prudence or Conscience, in matters of Religion, and in this Later, as to the utmost of what of any Worldly Consideration he will ever be induced unto, so did he conceive it nothing less than what you declared unto him, you were persuaded the Catholicks would be satisfied withal, nay ought not in their own Interests to seek more in the present Condition his Majesty was in: Lest any further Concessions by confirming former Scandals cast upon his Majesty in matters of Religion, so alienate the Hearts of his Faithful, and Loyal Adherents, as to make them abandon him; which as it would draw inevitable Ruin upon him, so were you rightly apprehensive, That when the Rebels should by that means have prevailed here, it must soon after bring a certain Destruction upon your Selves. What your Change of Principles, or Resolutions are, his Majesty knows not, but he finds by the not Concluding of a Peace there, That your Party, it seems is not satisfied with the utmost that his Majesty can Grant in matters of Religion, That is, the taking away of the Penal Laws against Roman Catholicks within that Kingdom. And his Majesty hears, That you insist upon the Demands of Churches for the Publick Exercise of your Religion, which is the Occasion, That his Majesty hath Commanded me to write thus frankly
unto

unto you, and to tell you, That he cannot believe it possible, That Rational and prudent men (had there been no Professions made to the contrary) can insist upon that, which must needs be so Destructive to his Majesty at the Present, and to your selves in the Consequences of his Ruin. Wherefore my Lords and Gentlemen, to disabuse you, I am Commanded by his Majesty to declare unto you, That were the Condition of his Affairs much more desperate than it is, he would never redeem them, by any Concession of so much wrong both to his Honour, and Conscience: It is for the Defence of his Religion principally that he hath undergone the Extremities of War here, and he will never Redeem his Crown by Sacrificing it there. So that to deal clearly with you, as you may be Happy your selves, and be Happy Instruments of his Majesties Restoring, if you will be Contented with Reason, and give him that Speedy Assistance, which you well may; so if nothing will Content you, but what must wound his Honour, and Conscience, you must expect That how low soever his Condition is, and how detestable soever the Rebels of this Kingdom are to him, he will in that Point joyn with them, the Scots, or with any of the Protestant Profession, rather than do the least Act, that may hazard that Religion, in which, and for which he will Live and Dye. Having said thus much by his Majesties Command, I have no more to add, but that I shall think my self very happy, if this take any such Effect as may tend to the Peace of that Kingdom, and make me

Cardiffe, August 1.

1645.

Your Affectionate

Humble Servant.

But the Faction having once sprung this Mine, and made so great a breach in the Monarchy and Government both Ecclesiastical and Civil, they continually animated the enraged People to carry on the Assault, and this Design of bringing in Popery was the Battery from which they played without intermission against all such of the Clergy and Ministers of State, as opposed their intended Reformation: for by this they braided their Enemies, and rendred them Odious to the Common People, by this they alienated the Affections of the Subjects from the Prince, and not only stole their Hearts Duty and Allegiance from him, but made sure of them to themselves. By this they prepared them for those dreadful Revolutions which afterwards happened, and made even the most Horrid Rebellion that ever was in *England*, appear a Sacred War, and pretending it was against Popery, the Papists and their Adherents, for the Defence of the True Protestant Religion, they avowed it was for the Glory of God, the Interest of the King, and the Happiness of the Kingdom.

The Party was now become so numerous, and had got the dexterity to pervert all Occurrences of State to the disadvantage of the King and his Ministers, that in all the Parliaments which King *Charles* Called, they had ever the Majority of the Commons, who set up themselves for Popular Patrons, and in all things indeavoured to Cross and Oppose the Court. And certainly the Connivance they met with during the Peaceable Reign of King *James*, did not a little Augment both their Numbers and Courage, and there is a Notable Passage to this purpose in a Letter of Advice to the Duke of *Buckingham* when he first became a Favourite, supposed to be written by the Lord *Verulam*.

[h]

Besides

*cabala. fol. 42,
43.*

Besides the Romish Catholicks, there is (saith he) a Generation of Sectaries, Anabaptists, Brownists, and others of their kinds, they have been several times busie in this Kingdom under the Colour of Zeal for Reformation of Religion: the King your Master knows their disposition very well; a small touch will put him in mind of them, he had experience of them in Scotland, I hope he will beware of them in England, a little Countenance or Connivance sets them on fire. A short but true Character of their Temper.

Nor were the Papists idle all this while, but as if, notwithstanding the outward Animosity and hatred between them and the Dissenting Protestants, there had been a Secret Combination and Agreement among them, they were no less busie in blowing up the Flames of Dissention between the King and his Subjects; a Remarkable Passage whereof we have concerning the Duke of Buckingham, who by the Arts of the *Papists* became the Object of the Popular Hatred, was mortally pursued by the Puritan Faction, and at the last fell by the Hand of the Assassin *Felton*, one of their Party.

*cabala. fol.
290, 300.*

In the Cabala of Letters, *Don Francisco* a Spaniard, Confessed to the Lord Keeper Bishop *Williams*, That the greatest part of the *Fryars Instructions* were to do all the worst Offices he could against the Duke, and that being admitted to the Kings presence by means of a private Letter slipt into the Kings hand, he told the King that his Majesty was a Prisoner, or at leastways so besieged as no man could be admitted to come at him: then he Complained of the Duke.

First, For taking Offence that he was refused Equal Honour with the Prince when in Spain.

Secondly, He informed the King from the Spanish Embassadors, from whom he was sent upon this private Intrigue, That the said Embassadors knew very well and were informed Four Months ago, That his Majesty was to be Restrained, and Confined to his Countrey House and Pastimes, and the Government of the State to be assumed and disposed by others, and that this was not Concealed by Buckingham's Servants.

Thirdly, That the Duke had Reconciled himself to all the Popular Men of the State, and drawn them forth of Prisons, Restraints, and Confinements, to alter the Government of the State at this Parliament, as Oxford, Southampton, Say and others, whom he met at Suppers and Ordinaries, to strengthen his Popularity. Concluding, That this Kingdom was not Governed now by a Monarch but by a Triumvirate, whereof Buckingham was the First and Chiefest, the Prince the Second, and the King the Last: and that all look towards Solem Orientem.

To this the King Answered, That he could not yet believe he Affected Popularity, to his disadvantage, because he had tried him of purpose, and Commanded him to make disaffecting Motions to the Houses, which he performed, whereby his Majesty Concluded he was not Popular.

This private suggestion to raise a Jealousie in the Old King, not only against the Duke, but his only Son, which was communicated to the Duke by the Lord Keeper, as may more at large appear in the forecited place, shews how both the Factions levelled their Aims at the disturbance of the Peace of the Nation: and no doubt can be made, but they who durst thus invade the Ear of the King, were not nice or idle to Coyn and Divulge Jealousies, and whatever might give Occasion of Disturbance, and they could not be more ready to raise, than the other Faction of Dissenters were eager to embrace and promote, whatever might tend to the disadvantage of his Majesty and the Government.

Having

Having thus provided themselves of this dreadful Engine of the *Fear of Popery*, which was principally to do Execution upon the Church, they advanced next, to Attack the Temporal Government, which was thus Effected:

King *Charles* being left at the Death of his Father imbarqued in the Affair of the *Palatinate*, was obliged to call a Parliament to afford him Supplies; the Popular men among the Commons, who consisted of the Discontented, and Puritanical Faction, who now steered all the Debates of the Lower House, seemed extreamly Zealous and Forward to Espouse the Protestant Interest, and the Carrying on of the War; but stood upon it first to have all Grievances redressed before they would Consent to Grant the King any considerable Supplies; The debates run high, That the Treasury was misemployed, That Evil Counsels guided the King's Designs, That the Necessities arose through improvidence; it was also alledged, That though a former Parliament did ingage the King in a War, yet, if things were managed by contrary Designs, and the Treasure misemploy'd, this Parliament is not bound by another Parliament to be carried blindfold in Designs not guided by Good Counsel. In short, the King finding the Commons resolved against Supply, and that they rather spent their Time in reflections upon the Duke and other his Ministers, and their Counsels, he was forced to Dissolve them, having with two Subsidies (which was all he could get) lost the Opportunity of being able to Support his Friends and Allies, as also that Honour and Terror among his Enemies abroad, which the Union and Hearty Affections of his Parliament, would have rendred great and dreadful; but now he became mean and contemptible; That Prince who hath not Power over his own Subjects at home, being in no probable Capacity of doing any great matters abroad.

Hist. coll. fol.
179.

The King being Embarqued in a War both with *Spain*, the *Empire* and *France*, to carry it on, took up Money of the Subject by way of Loan, upon Privy Seals; but as it came far short of his Necessities, so it gave great Occasion of heart-burning among his Subjects, and was the first step to promote the Cry against him, of a Design to Govern Arbitrarily, and with an Absolute Despotick Power over the Estates of his Subjects. To prevent this, the King Summons a Second Parliament; but they did not only run in the same Channel, but the Torrent rise much higher, and now the Duke was Accused of all the Miscarriages, and collaterally the King, because he would not give him up as a Sacrifice to the animosity of his Enemies; one of the Reflections being, That the Cause of all the Grievances was for that, as it was said of *Lewis* the Eleventh of *France*, *All the King's Council rides upon one Horse*. The Duke's Impeachment took up the greatest part of the time of that Parliament; and Sir *Dudley Diggs* and Sir *John Elliot*, being imprisoned for speaking some things which seemed to Reflect upon the King, did so far Exasperate them, that one Mr. *Moor* openly spake in the House, That they were Born Free, and must continue Free, if the King will keep his Kingdom; and though either he, or our Author for him, has indeavoured to sweeten the words with a contradiction, (*viz.*) Thanks be to God we have no occasion to Fear, having a Just and Pious King; yet he was by Order of the House sent to the *Tower* for speaking out of Season. In short, the King being able to obtain nothing from them but repeated Complaints, and understanding that they were so far from giving any Supplies, that they were preparing a Remonstrance concerning Tonnage and Poundage, taken

Hist. coll. fol.
219.

Idem fol. 371.

Idem fol. 390.

by the King since the Death of his Father without Consent of Parliament, he Dissolved them by Commission.

Of the same strain and temper was the succeeding Parliament which was Summoned to meet *March 17. 1626.* and generally composed of the same Members; and though the King by Granting in this Parliament the Petition of Right, gave all the Assurance that a Gracious Prince could possibly give, That he intended to Govern according to the known Laws, and was far from any Arbitrary Designs, yet they fell hotly upon the matter of Tonnage and Poundage, for the taking of which, they would read no Bill, till the King should relinquish all Claim to it upon any other Title than the Free Grant and Benevolence of his Subjects; and at the last it came to that height, that the whole Discourse of the Men of the Puritanical Party was, Of the danger of Popery and Slavery, as may be seen in the *Historical Collections*, in Mr. Rouse and Mr. Pym's Speeches: And how much they influenced those without; is easie to imagine.

Hist. Coll. fol.
645, 646, 647.

In short, as appears by the King's Declaration of the Causes of his Dissolving that Parliament, they proceeded to that violence, as by force to keep the Speaker in the Chair, to refuse the Serjeant of their House as well as the Speaker, the Liberty to attend the King upon his Command; locked up the Doors, and would not admit the Usher of the Black Rod, who came with a Message from his Majesty, till some of the Members had Read in the House the following Votes:

First, That whosoever shall bring in Innovation in Religion, or by Favour or Countenance seem to Extend or Introduce Popery or Arminianism, or other Opinion disagreeing from the Truth and Orthodox Church, shall be reputed a Capital Enemy to this Kingdom and Common-Wealth.

Secondly, Whosoever shall Counsel or Advise the taking and levying of the Subsidies of Tonnage and Poundage, not being Granted by a Parliament, or shall be an Actor or Instrument therein, shall likewise be reputed an Innovator in the Government, and a Capital Enemy to the Kingdom and Common-wealth.

Thirdly, If any Merchant, or Person whatsoever, shall voluntarily yield or pay the said Subsidies of Tonnage and Poundage, not being Granted by a Parliament, he shall likewise be reputed a Betrayer of the Liberties of England, and an Enemy to the same.

Hereupon the King by Proclamation Dissolves them, wherein is this Remarkable Clause, *That his Majesty did, and ever would distinguish between those who in this Parliament have shewed good Affection to Religion and Government, and those that have given themselves over to Faction, and to work disturbance to the Peace and good Order of the Kingdom.*

The Faction had not vented all their Venom in the House, but reserved a great measure to dispose of in the Countrey, to asperse his Majesties Government, and alienate the Affections of his People from him. And the Imprisonment of those Members who were the Authors of this Combustion in the House of Commons, together with the Imposition of the Tax of Ship-money, and the King's declining to Call any Parliaments for several years, did not a little contribute to their Designs, and to heighten the mis-understandings between the King and his Subjects, and

to increase those Fears and Jealousies of Popery and Arbitrary Government, with with the Factious and Discontented Party daily laboured to possess the People.

And it is observable, That though hitherto the Duke of *Buckingham* had been Accused as the only Cause of all the Grievances, yet his Fall which happened during a recess of this Parliament, did not at all allay the Tempest which these men had raised; which is a demonstration That they did not judge him the real Cause, but as the fore-mentioned Letter informed the King, they obliquely aimed at his Majesty himself, whom they endeavoured to wound through the sides of the Duke.

In this Posture were his Majesties Affairs when the unhappy Commotions began in *Scotland*, of which the Reader will have an Account in the following Papers. And from this short View of the Transactions of those Times, the Judicious Reader will easily be able to observe, That the Reforming, or as they were then called, The Puritanical Party, Combined with the Popular and Discontented, were all along ever since the times of Queen *Elizabeth*, the Occasions of all the Disturbances, and Convulsions of State, the perpetual disturbers of the Peace of the Kingdom; and that the great Engines with which they raised the Mobile, were the false Suggestions of the Designs of the Kings and their Ministers, and the Superior Clergy, to introduce Popery and Superstition in the Church, and Arbitrary Government in these Kingdoms. The Reader will with the same Ease perceive that these Suggestions were mere Calumnies and Artifices of popular, discontented, and schismatical Persons, who to satisfy their own Ambition and Revenge, and to protect themselves from Justice, having so highly Affronted the King, made use of these Specious and Popular Arts to gain a Party and Secure themselves, and that these dreadful Bugbears with which they frightened the People out of their Duty and Allegiance, had no other real Foundation than the Fears and Designs of those who first set them on foot, to Advance their pretended Reformation in the Church, and Usurpation upon the Sovereign Power in the Civil Government: and if what has already been said upon this Subject be not sufficient to Evidence the Truth of this, the subsequent Actions and Proceedings of the Party will abundantly Demonstrate; and Posterity will be able clearly to discover, That by the Strength of these two Calumnies, of a Design in the Government to introduce Popery and Slavery, the Faction so far prevailed, as to overthrow the whole Frame of the Constitution of Monarchy, Parliaments, and Government in the Church, and to reduce these Kingdoms to the most Deplorable and Arbitrary Slavery, that ever the Generous *English* Groaned under, even to the intire loss of their Laws, Liberties, Property, and almost the very face of Religion.

I have therefore but one word to add to make good my Promise to the Reader, and that is, To set up Buoys and Beacons, so as Posterity may be able to avoid a Second Shipwreck, and in short, to shew the Methods by which they Effected their Wicked Designs, which will serve for a Scheme of the ensuing Collections, in which the Reader will find them more at large both in their Words and Actions.

The Nation being by the continual Alarms of the Faction, who were busie in every Corner to possess the People with apprehensions of Fears and Dangers, under the ill Circumstances of the highest discontent, and the perplexity of the Kings Affairs upon the ill Success of his *Northern* Expeditions, compelling him to Call a Parliament: The Faction laid
on

Εἰκὼν Βα-
σιλική.
Pag. I.

on all their strength to chuse such persons as were known to be Eminently disaffected to the Established Government in the Church, and opposite to the Court and Ministers of State; and as his Majesty himself tells us in his incomparable Book, *The Elections were carried on with much Partiality and Popular Heats.*

The Parliament being met, they proceeded by several steps, of which these were the most Remarkable.

At their first meeting they cut out for themselves abundance of Work, while they pretended the whole Frame of the Government was out of Order, and therefore made a kind of indispensable Necessity for their Sitting to redress all Grievances, reform all Abuses and Disorders both in Church and State; by this means they endeared themselves in the Affections of the People whom they had persuaded, That all was running into Confusion, and that they were to be the *Liberatores Patriæ*, The Deliverers of *England*; nay so indultrious were they in providing Work, that as the fore-cited Royal Martyr assures us, *They Occasioned more Work than they found to do, by undoing so much as they found well done to their hands. Such (saith he) is some mens Activity, that they will needs make Work rather than want it, and chuse to be doing amiss rather than doing nothing.*

Idem P. 32.

They fell immediately upon the Persons, whom they knew to be Enemies to their Faction, and the greatest Supporters of the Monarchy, and particularly the Earl of *Strafford*, and the Archbishop of *Canterbury*. This was to be a Tryal of Skill, for if they could either by Law or Violence, oblige the King to give them up, they were well assured that it would stagger the Courage of the King's Friends, who would think it no shame to imitate him in his Compliances with the Parliament, Nor did this at all deceive their Expectations, for the Fall of *Strafford* gave such a shock to the Resolutions of all the King's Friends, that till the utmost Necessity compell'd the King to defend himself, scarce one single person offered to oppose them, or had the Courage to Advise the King to do it, and Rescue his Crown and Scepter from their daily Inroachments and Usurpations.

At the same time that they persecuted the King's Loyal Friends and Subjects, that they might the more easily prevail upon him to desert the Protection of them, they gave his Majesty all the obliging Promises of settling and increasing his Revenues, making him the most Glorious King in *Europe*, and his Posterity happy. And with the Temptation of these Promises, which were but meer words, they drew from his Majesty real Advantages. As first, The Passing the Bill for Triennial Parliaments; and afterwards that Fatal Bill, To sit so long as they pleased themselves.

They not only terrified, but severely punished all persons whom they knew or suspected to be opposite to their Designs, especially the Clergy, who for standing firm to the Interest of the Crown and Church, felt the utmost Severity of their Power, and the Malice of their diligent Informers the Nonconformists.

By their Importunities they possessed themselves of the *Tower*; by their Flatteries, of the City; by their Promises to Ease them of Illegal Taxations, they gained the Countrey; and having felt the pulse of the inferior People, and discovered the Influence they had upon them by the Tumults raised about *Strafford*; they advanced, to make still higher Demands: and made every Concession of his Majesty, a Foundation

dation for a larger Desire, to Retrench his Power and Extend their own.

They made great Use of some Persons about the King, from whom they received Constant Intelligence, amongst whom the Marquess *Hamilton* was by the King's Friends Suspected, and Accused to be one of the Chief: and that I may not without ground seem to fully the Memory of so great a Person, not to insist upon the Ambition he was Accused of by those about the Court, and *Ramsay's* drinking his Health by the Name of *James the Seventh*, his underhand dealings to the King's disadvantage with the *Covenanters*, and his taking Letters out of the King's Pockets: There is a Remarkable Passage in the Observations upon the History of King *Charles*, Written by *H. L.* pag. 205. which the Author avers came from the Mouth of the Earl of *Montross* to the King, and which seems Confirmed by concurrent Circumstances, which if true, will plainly shew how much the King lost by making him his Confident, and how much the Faction advantaged themselves by their Party so near the King as was the Marquess, the Earl of *Manchester*, the Lord *Say*, Sir *Henry Vane*, and several others of the *Scotish* Nation.

The Story is thus:

JAMES Earl of *Montross*, coming out of France, had a great Inclination to put himself into his Majesties more immediate Service, made his Applications to *Hamilton*. The Marquess who knew the Gallantry of the Person, and feared a Competitor in his Majesties Favour, told the Earl, That he would do him any Service, but that the King was so wholly given up to the English, and so slighted and discountenanced the *Scotish* Nation, that were it not for doing Service for his Countrey (which the King intended to reduce to the form of a Province) he could not suffer the Indignities which were put upon him. This done, he repairs to the King, tells him of the Earls return from France, and of his purpose to Attend him at the time appointed; but that he was so Powerful, so Popular, and of such Esteem among the Scots, by reason of an Old Descent from the Royal Family, that if he were not nipped in the Bud, he might indanger the King's Interest, and Affairs in Scotland. The Earl being brought to the King, with very great demonstrations of Affection on the Marquesses part, the King without taking any great Notice of him, gave him his hand to kiss and so turned aside, which so confirmed the Truth of that false Report which *Hamilton* had delivered to him, that in great displeasure and disdain he makes to Scotland, where he found those who knew how to work on such humors as he brought along with him, till by seconding the Information which he had from *Hamilton*, the *Covenanters* fashion'd him wholly to their Will and Designs.

And of this Nature I find another Passage in the same Book, pag. 229. concerning Sir *Henry Vane*, who it seems had such an influence upon the Queen, that She publickly appeared for him to put him into the place of Secretary, and to have Secretary *Cook* dismissed, notwithstanding the Earl of *Strafford's* interposing in favour of *Cook*, which was another Occasion of *Vanes* Animosity against *Strafford*. Now what an Ascendant the Queen had over his Majesty is too well known, and what Use the Party made of it by the Influence *Vane* had over her is not to be doubted: most assuredly, the great Concessions which his Majesty made to that Parliament, are to be Attributed to the Reasons and

and Importunities of these Treacherous Favourites to the King but Real Friends to the Faction, who with the repeated Witchcraft of the Designs of the Party to make him a most Glorious King, upon such Terms and Conditions as were proposed, and the continual Alarms of the Danger and Hazard his Majesty and Posterity must run, if he should refuse to gratifie them, drew him from the safer Counsels of his real Friends, into the Net which they had cunningly prepared for him.

But to return, Having voted the Bishops out of the House of Lords, purged the House of Commons, displaced most of the King's Friends, and got their own about his Majesty, gratified the *Scots* for their Successful Rebellion, terrified the Judges by keeping them under the Lash of Impeachments, Reformed the Commission of Peace, by turning out all of the Clergy, and many of the Gentry; Engaged all the Dissenters from the Established Church, by releasing the Sentences, Fines and Imprisonments of such Criminals as had in the highest nature Affronted the Government, (*viz.*) *Pryn, Burton, Bastwick, Lilburn, Leighton, &c.* And Encouraging the whole Party with the hopes of a Glorious Reformation, and Liberty for Tender Consciences; and having gained by the perpetuating Act and other his Majesties Concessions, so much as they could of the Scepter, their next Attempt was upon the Sword, the Power of the Militia both by Sea and Land.

To obtain this they made use principally of Three things.

Rumors of the Plots of the Papists at home and abroad.

The Popishly Affected, or Prelatical Party.

And, The Evil Counsellors about the King.

Till they were Secured against these, they pretended they could not Sit or Act in safety, to accomplish the Great Work of *Thorough Reformation*, which they were about. And it is incredible how they deluded the People with even Ridiculous Improbabilities, of Foreign Armies and Fleets, invisible Troops under Ground, great Numbers of Armed Men at *Kingston*, when only the Lord *Digby* with his Coach and six Horses, and ordinary Attendants were there, and many of the like nature; now to Secure them from these imaginary Dangers, nothing would serve the turn but the King's putting the Sword of the Militia, the Strength of the Kingdom out of his own possession into their hands.

But the King declining and indeed absolutely refusing it, they had recourse to Tumults, hoping by those disorders to frighten the King into any compliances whatsoever; but that Stratagem failing, and the Event of it being only forcing the King out of the Town, and rather shewing him the absolute Necessity of keeping the Sword in his own hand, they made use of another Artifice which proved very useful to them upon several Occasions, and that was,

Tumultuary Petitions from their Party, throughout the City and Countrey to put the Nation into a Posture of Defence. Of the Danger of this procedure, the Parliament immediately after the Restauration of his Majesty King *Charles* the Second, were so sensible, as by a Law to provide against it for the time to come. By the colour of these Petitions, they pretended it was the sense of the Nation, whereas indeed it was only the sense of the Factious and Nonconforming Party, who then went under the common Name of *Presbyterians*, though Composed of all the Differing Sects of *Independents, Anabaptists, Brownists, Antinomians, &c.* And having got this Cloak of Necessity to Cover their Usurpation, they resolved to have the Sword by force, since they could

not

not obtain it by Fraud; and therefore immediately seized upon the Kings Ships, Forts, Magazines and Ports, and took upon them to Order the Militia, to appoint Lord Lieutenants, Deputy Lieutenants, and Officers, and to give them Order to Train and Discipline themselves, for the Defence of the Kingdom; displacing all such as were Loyal to the King, or Friends to the Church, as Papists, or Popishly Affected. This was the Apple of Contention, and though they have indeavoured to make it *Bellum Episcopale*, yet most certainly it was a War begun not for the Mitre, but the Scepter and the Sword. On the Kings Party were all the Loyal and Episcopal Men, who by the Laws of God and Religion as well as those of the Land, and the most Sacred Oaths, knew themselves obliged to Defend their Sovereign, his Crown and Dignity, against all Conspiracies, Rebellions, and Rebels whatsoever; On the Parliaments Party, were all the several Sects and Schismatics throughout the Nation, who though they differed infinitely among themselves, yet were Unanimous in the carrying on the War against the King.

To palliate the horrid Sin of Rebellion, they indeavoured to render his Majesty the Aggressor, and themselves engaged in a Defensive War for the Liberty of the Subject, the Laws of the Land, and the true Protestant Religion; and that it might pass for such among the deluded Common People, they stiled themselves and Party, the only *true Protestants*, and stigmatized all the Loyalists, with the Name of *Papists* and *Popishly Affected*.

The War being begun, they made use of all the Arts imaginable to Support it. And though at first they raised money by way of voluntary Contribution, and upon the Publick Faith, yet as they got strength they made use of all the most Arbitrary methods of Raising Money upon the Subjects; not only Seizing all the Revenues of the Crown, but the Estates of Delinquents, the Bishops and Cathedral Lands, they imposed Taxes, Weekly, Monthly, Excise upon all manner of Commodities; and indeed stuck at nothing to support and maintain the Rebellion. So that one may truly say of them as the *French Satyr* of the late Cardinal *Mazarin*, they left behind them, *Omnes prædandi Artes sed nullam Prædam*.

According to the Nature of the Faction, they always made Use of Religion for a stalking Horse to their Interest and Ambition. They made Fasting and Prayer the constant Prologues to their mischievous Undertakings, and by publick Thanksgivings, dedicated their Murders and Rapines, to Almighty God; and did frequently by Solemnities of this kind mock God, to deceive men; and to conceal their losses, gave thanks for such Victories, as had they had no greater, would soon have put an happy Period to that Unnatural Rebellion.

But Success crowning their Rebellious Arms, they made it appear to the whole World, That Religion and Liberty were the least of their intention. And having by all the Arts of Wickedness and Hypocrisie, obtained a Sovereign Power, they Exercised it with the most unlimited and absolute Despotick Authority; and were not contented to trample upon the Lives, Liberties and Fortunes of their Fellow-Subjects, but advanced to the most unexampled and audacious Cruelty, and the utmost Impiety, embruuing their Sacrilegious hands in the Sacred Blood of their Natural Liege Lord, and Sovereign. They razed the very Foundations of the Government both Civil and Ecclesiastical, and Erected upon the Ruins of

this Glorious, Ancient, and Imperial Monarchy, a Democratick Slavery under the Title of *The Common-Wealth of England*.

These were the men who pretended Religion and a Thorough Reformation, and these were some of the Arts by which they betrayed the Easie People into Rebellion, and the Nation into Ruin; these were the fatal Consequences and Effects of these popular Fears and groundless Jealousies, of Popery and Arbitrary Government, and this the dismal period of that horrid Rebellion.

The Reader will find all this and much more plainly demonstrated by matters of undeniable Fact, drawn from the Records and Remains of those very men and times; together with many particularities of their more close Intrigues, so far as I have been able to discover them. Which I hope, though it may be displeasing to some who retain the same Principles, endeavour to infuse them into others, or having been involved in the Guilt, endeavour to palliate and lessen their own Crimes, yet, will be serviceable to the Peace and publick Interest of the Nation, and agreeable to those Loyal Subjects and good Christians, *who Fear God and Honour the King, and have no desire to meddle with those who are given to Change.*

I must once for all Crave the kind and favourable Acceptance of the Ingenious, and desire I may be Excused, if in some places there appear something defective, as in the Speeches of many Loyal Gentlemen in Parliament; for which I have this to plead, That such was the Iniquity of the Times, which would not indure Loyal Truth, that few of them were permitted to be made publick; and I must ingenuously Confess, I have not had the happiness to procure many private Papers, though I doubt not but many such there are, from the hands where they are lodged; which I Attribute to the little Notice that has been abroad of this Design; though I am not without hopes, but in the further progress of this Work, such Worthy Gentlemen as are furnished with any Papers of this Nature that may be serviceable to the Publick, will oblige Posterity with the knowledge of them.

Thus have I endeavoured in short to give the World a true Account from the best Authorities Extant, of the Rise, Original and Growth, of the Distempers which have so miserably Rent the Church and Shaken the Kingdom, and I think made it Evident beyond all Contradiction, that as the Discontented, Ambitious and Popular Men, striking in with the Schismatical Party of *Puritans, Presbyterians, Independents, Anabaptists, &c.* were the first disturbers of the Peace, Settlement and Happiness of the Church and Nation; so that the same Party, by the pre-ferences of Zeal for Reformation, Sanctimony and Purity of the Gospel, together with the scandalous and false Imputations thrown upon the best of Kings, and the best of Governments, *Of designing to bring in Popery and Arbitrary Power*, have been the true Causes of all the Calamitous Effects of the late Barbarous Commotions, in these miserable Kingdoms. And though they may by many Glosses endeavour, to wash their hands of those detestable Crimes, yet the *Gracious Act of Oblivion*, as it will remain an Eternal Witness of his Majesties Clemency, so it will be likewise of the Guilt of those who received the Benefit of a Pardon. And if any of them who have been Actors in the Tragedy and still survive, shall think I am injurious to them in this Charge, let them Renounce all the Protection and Advantage from that Act, and they will soon perceive their Guilt, and that by our Laws, they have forfeited their

Lives,

Lives, Liberties and Estates, for those very Crimes I have Charged upon them and their Party. And if Gratitude have not Power enough over them to compel them to Love much, to whom so much hath been forgiven, I can only further recommend to them, the Counsel of the Wonderful Counsellor, the mighty God, the Prince of Peace. *Behold, you are made whole: sin no more, lest a worse thing come unto you.* John v. 14.

I have no more to add, but my Prayers and Wishes, That this true Account of the late Dreadful Revolutions, may in some measure Contribute to the Peace and happiness of this Nation, and that from the Distractions, Desolations, and inexpressible Miseries, which so lately overwhelmed us, all true *English* Men and good Subjects may not only learn a necessary Precaution to avoid the same for the time to come; but may draw this certain Conclusion into a Practical Maxim, *That True Loyalty to their Prince is both their Interest and their Duty, as they are Men, Christians, and English-Men.* And that without it, *The fairest Pretences to Religion and Reformation, are the most pernicious Vizards and Covers, of the most dangerous of all the kinds of Rebellion.*

THE

A N Impartial Collection

OF ALL THE
MEMORABLE EVENTS

F R O M

The *Scotch* Rebellion, to the King's Murther.



THE Northern Cloud which for so many years had been gathering, being full charged with those Tempestuous Exhalations which the long Sunshine of Peace and Plenty upon these Nations had furnish'd it with ; now began to break out in those terrible storms of Civil-War, which threw down all before them, and produced such Tragical and Extraordinary Events, as were the Amazement of that present, and

will be the Wonder of all future Ages. Nothing either Civil or Sacred was able to stop the impetuous Torrent ; and to the shame of the Common Christianity, even Religion was with violence dragged into the Field, and as the *Turks* treat their miserable *Asapi*, posted in the front of Rebellion, to take off the edge of those Loyal Swords which were drawn in the Defence of Her and Royal Property. The Great Defenders of Peace, was transformed by a strange *Metamorphosis* into a Rude *Bellona* : and made the Patroness of a most Unchristian War against the Great Defender of the Faith.

The intemperate heat of the *Scottish Presbyterians*, and their inveterate hatred of the *Episcopal Hierarchy*, had so universally fermented the greatest part of the Kingdom of *Scotland* ; that being secretly animated by hopes of foreign assistance from *France*, and their Confederates in *England*, and encouraged by some Persons of Great Honour and Authority at home, all Endeavours and Condescensions which His Majesty out of His Native Goodness and Princely Clemency, was pleased to make use of to reclaim his Subjects to their Duty and Allegiance, were not only rendred ineffectual ; but begot in them greater presumptions ; and at the last to petition with the Sword in their hands, for those things which they were well assured His Majesty could neither with Honour or Safety Grant, nor yet Deny without a most inevitable necessity of putting the matter upon the fatal decision of the Sword.

In vain had the Marquess *Hamilton* His Majesties Commissioner, endeavoured to bring them to Reason by all the methods which the King had from time to time instructed him with : The *Covenanters* were become resolute upon the confidence of their own numbers and the Kings inability, the Exchequer running at dead low water-mark : And the Contest was for Supremacy, as was evident by their continuing the

B

Sessions

1639.

The Rise and
Original of the
Civil-Wars.

1639.

Sessions of their Assembly at *Glasgow* in defiance of Royal Authority, after they had by Solemn Proclamation been dissolved by the Lord Commissioner. Thus the fatal Die of War was cast, and the *Covenanters* betake themselves to Arms, resolving to justify Disloyalty by Rebellion.

But before they proceeded to open Hostilities they made secret Application to Cardinal *Richelieu* the then great Minister of *France*; and to the *Most Christian King* himself by a Letter, the Original Copy of which came at length to His Majesties hands. The Cardinal who remembered the Assistance given by the *English* to the *Rochellers*, and who had formed those vast projections for the Enlargement of the Dominion of *France*, of which all *Europe* has since been sensible, knowing *England* the most Formidable Power able to traverse those future Designs, was not wanting to blow up those sparks which might set *Great Britain* all in Flames.

Thus did they early provide against all events, craving Assistance from a Foreign Prince, providing a Sanctuary and Retreat, if the storm they were raising should fall upon themselves, securing a potent Intercessor and Arbitrator of the difference, and by a strange Mystery only known to *Covenanters*, they went about to extirpate *Popery* and *Superstition*, according to the pretensions of their *Covenant*, by uniting their Arms with a *Catholick* Prince, and their Counsels with a *Romish* Cardinal.

But before we proceed to the affairs of the Camp, that the Reader may have intire Satisfaction as to the Grounds and Foundation of this War; here is presented an Abstract of the Large Declaration set forth by His Majesties Command upon that subject. The Declaration being voluminous, would have swelled both the Book and Price, and therefore for the Readers ease and profit, it is hoped this Abridgment will be acceptable; the Papers of State and Matters of Record being left intire, and the Narrative only drawn into a smaller Body, without taking any thing, so far as is possible, from the Soul and Spirit of that Excellent Manifesto.

Abstract of the Large Declaration shewing the Original of the Tumults in Scotland.

The Design of the Declaration.

Religion made a pretence to cover Rebellion.

The *Covenanters* abuse the King by false suggestions.

The *Covenanters* method of Reformation destructive of Religion.

FOR the full satisfaction of all His Majesties Subjects at home and the Protestants abroad, His Majesty was pleased to set forth this Declaration, and hopes that this unquestionable Narrative will satisfy them in these three points.

I. That the Contrivers and Pursuers of the late *Wicked Covenant*, though they pretended Religion yet intended nothing less.

II. That His Majesties Promises expressed in his Proclamations and Declarations, were not only *verbal*, as the *Covenanters* falsely and maliciously suggested, but sincere and real; and such as in the Word of a True and Just Prince, His Majesty was resolved to make good to his Subjects.

III. That these pretenders to Reformation proceeded in such a way as tended to the apparent Ruin both of the Reputation and Religion of the Reformation: and that the *Pope* and *Conclave*, and the *Jesuits* could not have proposed any Method more effectual to reduce these Kingdoms to the *Roman* Obedience; That the *Covenanters* in their Sermons

mons and Seditious Pamphlets made use of the Maxims of the *Jesuits*, the very Phrase and Style of *Becanus*, *Scioppius*, *Eudæmon Johannes*, and transcribed Arguments *verbatim* out of *Bellarmino* and *Suarez*; endeavouring with those, and *Jesuitical* Fables, false Reports, Prophecies, and pretended Inspirations to delude the Populacy and unhinge them from their Loyalty and Allegiance. That these Points being gained His Majesty cannot doubt of the Assent of the Unprejudiced to these two just desires.

First, That the proceedings of these pretended *Protestants* may not bring a scandal upon the Profession of the Reformed Religion, but that since their Conclusions are quite contrary to the Confessions of all the Reformed Churches, and even that of *Scotland*, ratified by several Acts of Parliament, they ought not to be esteemed *Protestants*, since acting by the Maxims of the most rigid *Papists*, the *Jesuits*, they strike at the Authority of His Majesty, who is under God the principal prop and stay, the Protector and Defender of the *Protestant* Religion; and which His Majesty resolves to the utmost of his Power to maintain.

Secondly, That whatever His Majesty should hereafter do in asserting the Reformed Religion and repressing the Insolencies of these pretended Reformers, might not be esteemed as a War upon his Subjects, but, he being the Father of his Country, a chastising of his unruly Children: and if it should proceed to the extremity of blood, that it might be esteemed no more than, as a faithful Physician, he was obliged to do, for the preservation of the whole Body.

After these preliminaries His Majesty proceeds to shew the seeds of Sedition which were sown by the Plotters of the *Covenant*, who under pretence of Religion endeavoured to palliate Rebellion.

The first was His Majesties Legal Revocation of such things as had been passed away in prejudice of the Crown, especially by some of His late Progenitors in their Minority; which though done by the Advice of the Counsellors of State, Learned Advocates, and according to the Examples of former Kings, though nothing ensued upon it to the prejudice of the obnoxious, either in their Persons or Estates, yet did they lay the envy of procuring that harmless Revocation, by which no man suffered, upon the Prelates.

Secondly, The Granting out a Commission for relieving the Ministers in point of maintenance; and the inferiour Laity from the hard usage and oppressions of the Lords of the Erections, or Impropriators in the payment of Tythes: and taking into consideration that important point of State, (*viz.*) the dependance of the Ministers for their subsistence, and the greatest part of the People by the payment of their Tythes, upon the Nobility and other Laick Patrons. By virtue of this Commission, a rate was set upon Tythes, and they were purchased by the owners, so that the Lords of the Erection had a sufficient compensation for their Right. The Ministers maintenance was augmented, so as they were freed from the dangerous and mercenary slavery in which they had been subjected to their Patrons: with which Determination of this Commission of Surrenders of Superiorities and Tythes, the owners of Lands and the Ministers were infinitely satisfied, the one having their maintenance improved, and the other being freed from an intolerable slavery and dangerous dependance upon their fellow Subjects. The Nobility and other Lay-Patrons outwardly seemed satisfied, but privately fretted to be robbed of the Clientele and dependance of both Clergy and Laity upon them:

I 6 3 9.

The Harmony between the *Jesuits* and *Covenanters*.

Seeds of Sedition sown by the *Covenanters*.

The Grounds of the *Covenanters* complaints against the King. The Act of Revocation.

The Commission for improving the Ministers Revenue and in favour of the inferiour Laity.

1639.

Jealousies of
Innovations.

and not being able to fix their discontent at these proceedings, as either affronting or weakning Religion, they betook themselves to the old Artifice, giving out, That this Commission was procured only by the Bishops who meant no good to Religion.

Thirdly, His Majesty obliging his Native Kingdom of *Scotland* with His Presence and Solemn Coronation, at the Parliament then held, the *Covenanters* began to suggest great Jealousies and Fears, and that many and dangerous Innovations in Religion were to be attempted in that Parliament; when as there was nothing passed concerning Religion, except an Act impowring His Majesty to appoint decent vestures for Churchmen, as also an Act for Ratification of all other Acts in force concerning the *Protestant* Religion as at present Established, and for Confirmation of the Liberties and Priviledges of the Church. To which the *Covenanters* were the only persons who dissented, which gave too just a ground for conjecture that they were no Friends to the present Government of the Church.

Denial of Ho-
nours.

At the same time great Suit was made by the Nobility and Gentry for new Titles of Honour; and His Majesty not being able to gratifie all persons without prostituting and making Honour contemptible, was pleased to pass by such persons as had both privately, and in Parliament manifested their disrespect to Himself and His proceedings. From this they took occasion privately to murmur, and scarcely was His Majesty returned into *England*, when from Discontent they advanced to Sedition, impudently giving out, that voices were bought and packed in the late Parliament; that the voices were not truly numbred, but that some Acts passed without plurality of suffrages: but knowing that many hundreds took notes of the suffrages, and that even their own papers were able to contradict that Calumny, and that had it been true, the Clerk of the Registers whom they would not have spared, must have been obnoxious to the highest Censures and Punishment; therefore they betook themselves to the secret and seditious way of Malecontents; first spreading clancular surmises, then handing about a clandestine infamous Libel, to poyson the hearts of the Subjects with obliquity of the proceedings of the Parliament. The Privy Council by His Majesties Command, find the Author to be one *Hagge* a Fugitive, and the Abettors many, some of the greatest Quality, who after were the Principal *Covenanters*; His Majesty out of His Princely Clemency passing by the rest who were involved in the same Guilt, that the punishment might reach only to one, the fear and example to all, was pleased to single out the Lord *Balmerino*: This Lord's Father had been Principal Secretary of State to King *James*, and by Him raised both to his Honour and Fortune, but after His late Majesties coming to *England* he was Arraigned, Attainted and Condemned for High-Treason: but by the King's especial Grace the Execution of that Sentence was respited, he was for some time imprisoned; after only confined, and at last Himself and Family restored in Blood, Honour and Estate. This Lord's Son, so ingrateful, was for this Fact Tryed fairly by his Peers, found Guilty of dispersing the said Infamous Libel, and sentenced to Death. The Contrivers of the *Covenant* complained of hard measure, but the Lord betook himself to His Majesties Mercy, which was shewn him to that height as is scarce to be pattern'd by any precedent; for His Majesty was pleased not only to grant him Pardon, but full Liberty and Enlargement: notwithstanding which unexampled Clemency to both Father and Son, notwithstanding the highest protestations of future Obedience,

A notable in-
stance of Roy-
al Clemency,
& disloyal in-
gratitude in
the Lord Bal-
merino.

dience, the said Lord *Balmerino* became one of the chief contrivers and malicious prosecutors of the *Covenant*: so that the grounds of the Sedition appear plainly to be, First, His Majesties Revocation, Secondly, the Commission of Surrenders, And Lastly, denying Honours to some persons at His Majesties Coronation.

Now the Sedition was ripe, there wanted only the Cloak of Religion as being endangered or impeached to cover their intended Rebellion, the occasion they took to fetch Religion within the reach of their pretences was this:

King *James* at his coming to the Crown of *England* comparing the decency and uniformity of the Worship of God, and the *English* Liturgy, with that deformity which was in *Scotland*, where for want of a set publick form of Divine Service, the Preachers, Readers, and ignorant Schoolmasters, prayed so ignorantly, seditiously, stuffing their Prayers with Libels against Authority, and Lies about State-Affairs, to the shame of Religion, and in contempt of the Divine Majesty: He therefore as became a Religious Prince, endeavoured to Establish Uniformity in the Liturgy and Service of the Church of *Scotland*. Much time was spent in consultation, some opposition, and many intermissions it met with, till the year 1616. when in a * General Assembly held at *Aberdeen* in *August*, an Act was passed to authorise some Bishops and others, to compile a Book of Common-Prayer; which Book was by the Archbishop of *S. Andrews* sent up to the King, perused and revised by Himself, and other Persons in whom His Majesty had great confidence; and so accommodated sent down and recommended to the whole Church; and doubtless had been then established if it had not been interrupted by His said Majesties Death.

But His Majesty pursuing the Pious and Princely Vertues of His Royal Father, resolved upon the settling a Publick Liturgy in the Kingdom of *Scotland*; and having caused the same Service-Book to be revised, and with all possible care and caution adapted so as not to give the *Romanists* the advantage of upbraiding us with material differences in our Liturgies, and that it might by some insensible alterations be justly reputed a Book of the Church of *Scotlands* own compiling; and so transmitted to the Lords of the Privy Council, by whose advice the said Book was by the Authority of His Majesties Proclamation enjoined to be received and publickly read in all Churches in *Scotland* upon *Easter*, 1637.

His Majesty had many reasons to induce him to believe they would not dislike the *English* Liturgy, and by consequence not the other, which was in effect the same.

First, Because many Persons of the best Quality of the Subjects of *Scotland*, frequently resorting to His Majesties Royal Chappel and other Churches in *London*, were present at, and did with reverence demean themselves at Divine Service; which made it probable that at home they would not account that Unlawful or Antichristian in it, as many of them have done since, with which they did here voluntarily comply; in regard, that neither any municipal Law, nor variation of time, place, or other circumstances, can dispence with the practice of that which is simply unlawful, Antichristian, and against the Word of God.

Secondly, The *English* Liturgy had been read in His Majesties Chappel at *Holy-Rood-House*, from the year 1617. without dislike; to which the Council, Nobility, Bishops, Clergy, Judges, Gentry, Burgesses, and Women of all ranks resorted: The Bishops made use of it at Ordinations in some Cathedrals, and in the new Colledge at *S. Andrews*, and it was used

1639.

The sad estate of the *Scotch-Church* when King *James* came to the Crown.

His desire to redress it and bring them to Uniformity.

* Answerable to our Convocation.

King *Charles* prosecutes His Fathers Design of Uniformity in the Church of *Scotland*.

The Reasons moving the King to that Pious Work.

1639.

in all places whither His Majesty resorted whilst in that Kingdom, to which great numbers of all sorts of People resorted, without the least dislike of it, or complaints against it.

Thirdly, That Book being in substance the same with the *English* Liturgy, no charges of Idolatry, Popery or Superstition could be objected against the one which would not reflect upon the other; now the compilers of the *English* Liturgy being such Bishops and others as were either burnt or banished in Queen *Marys* days, and even by these Enemies of the Service Book esteemed glorious Martyrs and Sufferers for the Reformation, they could neither with conscience or honesty be charged with framing a Liturgy stuffed with Idolatry, Popery or Superstition; none having more learnedly or vigorously opposed Idolatry and Superstition, than the *English* Bishops and Clergy ever since the Reformation.

Publick notice was also by Proclamation given of the reading of the said Book; and in all the time before the prefixed day no symptoms of any considerable opposition appeared: but for the farther tryal of mens minds, the reading was deferred till *July 23.* following, that so the Lords of the * Session might see the success and report the receiving of it in *Edenburgh*, in their respective Countries. Warning was given in Print and from the Pulpits, from whence it was recommended to try how the People were affected, and yet no appearance of dislike or tumult, no disgrace was offered to the Preachers for so doing: nay it was highly recommended by several of the afterwards principal *Covenanting* Ministers, particularly by one *Rollock*, both before the Bishop of that Diocess, and in a Sermon the Sunday of the intimation of the reading it, did most highly magnifie that Book, which since they have been the greatest railers at, and opposers of.

Notwithstanding which, the reading of it was attended with such a barbarous Tumult and Insurrection in the Churches and Streets of *Edenburgh*, as was no less incredible than impious: the true Relation whereof as it was sent to His Majesty, is as followeth:

On the twenty third day of *July*, 1637. being Sunday, according to the publick warning given the Sunday before, the Service Book was begun to be read in *Edenburgh* in *S. Gyles's* Church, commonly called the great Church; where were present (as usually they are) many of Our Council, both the Arch-bishops and divers other Bishops, the Lords of the Session, the Magistrates of *Edenburgh*, and a very great auditory of all sorts of people. Amongst this great multitude there appeared no sign of trouble: But, no sooner was the Book opened by the Dean of *Edenburgh*, but a number of the meaner sort, who used to keep places for the better sort, most of them women, with clapping of their hands, cursings, and out-cries, raised such a barbarous hubbub in that sacred place, that not any one could either hear or be heard: The Bishop of *Edenburgh* who was to preach, stept into the Pulpit, which is immediately above the place where the Dean was to read, intending to appease the tumult, by putting them in mind that the place in which they were was holy ground, and by intreating them to desist from that fearful and horrible prophanation of it: But he was entertained with as much irreverence as the Dean, and with more violence; in so much, that if a stool aimed to be thrown at him, had not by the providence of God been diverted by the hand of one present, the Life of that Reverend Bishop, in that holy place, and in the Pulpit, had been endangered if not lost: The Arch-bishop of *S. Andrews*, Lord Chancellor and divers others offering to appease the multitude, were entertained with such bitter curses and imprecations, as they not being able to prevail with the people, the

Provost

* The Term in
England.

The Tumult
upon Reading
the Common-
Prayer at *E-*
denburgh.

Provost, Bailiffs, and divers others of the Council of that City were forced to come down from the Gallery in which they do usually sit; and with much ado, in a very great tumult and confusion, thrust out of the Church these disorderly people, making fast the Church-doors: After all which, the Dean devoutly read Service, assisted by our Councillors, Bishops, and many other persons of quality there present: yet the out-cries, rapping at the Church-doors, throwing of stones at the Church-windows by the tumultuous multitude without was so great, as the Bailiffs of the City were once more put to forsake their places, and use their best endeavours for the appeasing the rage and fury of those who were without. Service being ended, the Bishop preached, after which the Congregation was dismissed: The Bishop of *Edenburgh* retiring himself to a lodging distant not many paces from the Church, was so environed with a multitude of the meaner sort of people, cursing and crouding him, that he was near being trod to death; and in all probability had been so, if he had not recovered the stairs of his lodging, which he no sooner began to go up, but he was so pulled by the sleeve of his gown by some of that rude rout, that he had like to have tumbled backward down the stairs, to the endangering of his life, yet with much ado getting up the stairs he found the door at which he should have entred, shut against him, and so being put to a stand, he had certainly been oppressed with the press and violence of that rabble, if the Earl of *Weems* from his next lodging, seeing the Bishops life in danger, had not sent his Servants to rescue him, who got the Bishop almost breathless into his lodging. The same morning the Service-Book was read in the next Church to *S. Giles's* Church, not without noise and tumult, yet the fury was not so great as in the other Church: In the *Gray Fryers* Church the Elect Bishop of *Argyle* (being Colleague to Mr. *Ramsay* who refused to read it) began to read the Book, but he was so cursed and exclaimed against, and threatened to be pulled down, that after the reading of the Confession and Absolution, he was forced to give over. In the Colledge Church, *Rollock*, one of the Preachers there, who the Sunday before, at the intimation of the reading of it had so much commended the Book, and had undertaken this day to read it, though he had the Book ready to be carryed to the Church with him, yet very wisely resolved to halt a little until he might know how it was entertained at *S. Giles's* Church, that so his conscience might comply with the carriage of the multitude, whose rudeness being reported to him, he (notwithstanding his commendations of the Book, and his faithful promise to read it) thought it the safer course to leave himself to the censure of all men for his levity and breach of promise, than offend the multitude, whose favour is the onely air in which he taketh delight to breath and live: and thus that morning passed.

Between the two Sermons, such of our Council as were in the Town, assembled at the Lord Chancellor's lodging, where the Lord Provost and Bailiffs of *Edenburgh* being called, undertook to do their utmost endeavours for the quiet and peaceable reading of the Service-Book in the afternoon; which accordingly they did, and so the Service-Book in *S. Giles* and some other Churches, that afternoon was read, without any such tumult or insurrection as it encountred with in the morning; yet the furious multitude who stayed in the streets and little regarded the service of God in the Churches, intermitted nothing of their madness: For the Lord Privy Seal, Earl of *Roxborough*, returning home to his lodging, and having with him in his Coach the Bishop of *Edenburgh*,

1639.

A great Covenant
nater a Cove-
nant and Pro-
mise breaker.

was

I 639.

was near suffering the death of the first Martyr S. Stephen, his Coach and Coachman, for having the Bishop in it, being so pelted with stones, and hooted at with execrations, and pressed upon by the eager and mad multitude, that if the Lord Privy Seal his Footmen had not with their swords kept them off, they in the Coach had been brought in danger of their lives, having after long and continual bickerings much ado to recover their lodgings.

The Tumult
disowned by
the Magi-
strates.

Thus was this pretended Reformation begun with the horrible profanation of the Lords Day, in the Lords Houses and Temples, attended with contempt of Authority and Laws, and the Lords Anointed, the violation of the Person of the Lords Priests and Prophets, Bishops and Ministers; acted by a base multitude, disavowed by the Magistrates, who offered their assistance and utmost diligence to the Council for discovering and punishing the insolence of that scum and froth of the People. The next day a Proclamation was set forth by the Council against tumultuous meetings under pain of Death. The City-Magistrates professed their abhorrence of the fact and their resolution to apprehend some suspected to be ringleaders, to find out the Authors; and to assist in the quiet Establishment of the Service Book: care was also taken by the Privy Council for indemnifying the Ministers and Readers by an Act entred in the Council-Book.

The proceed-
ings of the
Council upon
the Tumult.

The Tumult appearing settled, the Council proceeded upon two Resolves.

First, To do exemplary Justice upon the Heads of the Sedition when discovered.

Secondly, To settle the Use of the Service Book, to which the Bishops, Magistrates and Ministers agreed: the Magistrates shewed great forwardness not only by verbal promises, and their Act obligatory registred in the Council-Book, but by two Letters sent into *England* to the Lord Archbishop of *Canterbury* to be by him recommended to His Majesty, Which Letters are as followeth:

Most Reverend Father in God and our very good Lord,

The Magi-
strates of E-
denburghs Let-
ter to the
Archbishop of
Canterbury.

WEE regret from our hearts that tumult which did fall out in our Churches that day of the inbringing of the Service-Book, wherein now these of His Majesties Council, who have laboured the tryall thereof, will give testimony of our innocency: Since that time and the rising of His Majesties Council in this serial time, we have daily concurred with our Ordinary, and our Ministry for settling of that Service-Book, as the Right Honourable the Earl of Traquair Lord Treasurer, with the Bishops of Galloway and Dunbleane will bear witness; who have spared neither pains nor attendance to bring that purpose to a good conclusion: And though the poverty of this City be great, being almost exhausted with publick and common works, yet we have not been lacking to offer good means, above our power, to such as should undertake that service; and in all things wherein we have been required, we have ever been ready really to approve our selves obedient and loyal Subjects to His Majesty, in all his Royal Commandments, which we have vowed ever to second to our lives end. And we being infinitely obliged to your Graces favours, we now presumed by these lines to give your Grace that assurance of obedience upon our part, in this purpose and in all other purposes wherein

wherein we may contribute to the advancement of His Majesties service, or can be expected of good Subjects: Whereof if His Majesty by your Grace shall be pleased to rest assured, whatsoever any other shall suggest, we will accept it from you as a great accumulation of favour; for all which your Grace shall ever find us most thankful Remembrancers, and most ready really to express our thankfulness, whenever we shall be made so happy as that your Grace shall have occasion to use our service. Thus from our hearts wishing you all happiness, we kiss your Graces hands.

1639.

Your Graces most affectionate

and humble servants

the Bailiffs of Edenburgh.

Edenburgh this 19. of
August, 1637.

J. Cochrane, Bailly.

An. Ainsly, Bailly.

J. Smith, Bailly.

C. Hamilton, Bailly.

THE SECOND LETTER.

Most Reverend Father in God and our very good Lord,

WE did receive your Graces kind letter, and from our hearts we do render your Grace most hearty thanks; and as we have hitherto found your special favour in this matter, concerning the lately imprinted Service-Book, whereanent we did write to your Grace formerly, shewing our dutiful and obedient resolution, not only in our selves, but in the greatest and best part of our Inhabitants, of whom from time to time we had most confident assurance; so now we must again become new suiters at your Graces hands to receive from us a true information of the difference of the present time, and of that when we did presume to write the occasions thereof, which is, that since our last there hath been such an innumerable confluence of people from all the corners of this Kingdom, both of Clergy and Laity, and of all degrees by occasion of two Council-days, and such things suggested to our poor ignorant people, that they have razed, what we by great and continual pains had imprinted in their minds, and have diverted them altogether from their former resolutions, so that now when we were urged by our selves alone, we could not adventure, but were forced to supplicate the Lords of Council to continue us in the state they had done the rest of the Kingdom; having hitherto forbore either to combine with them, or to countenance them in their supplications, yet we will not forbear to do our Masters service to our power, but shall study to imprint in their minds what hath been taken away; in the intrim we will humbly beg your Graces favour and intercession with His Majesty, that we may be kept still in his favour, which we do esteem our greatest earthly felicity, and that what course shall be taken with the rest of this Kingdom in that matter, who have presented many supplications, and with whom we have in no ways combined, that the same and no other may be taken with us, wherein we are confident to prevail as much as any other within the Kingdom, and in all things shall endeavour nothing more, than that we may approve

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approve our selves most dutiful and obedient subjects. Thus relying upon your Graces favour, as our most assured refuge, we kiss your Graces hands, and rest

Your Graces most affectionate

and humble servants

Edenburgh this 26. of
Septemb. 1637.

the Bailiffs of *Edenburgh*.

J. Cochrane, Bailly.

J. Smith, Bailly.

C. Hammilton, Bailly.

James Rucheid.

These Undertakings of the Magistrates moved His Majesty to remit much of his intended rigor against the Offendors: but it was not long before the Scene was shifted, and that Act which before was hissed and decryed as done by the base multitude, was from the Pulpit magnified as most Heroical, and the Actors inspired by God; those happy hands and mouths which God was pleased to honour with the beginning of the Blessed Reformation, and the occasion of the Celestial Covenant were extolled by the Preachers and assured that their memory should be Eternal, and that all Generations should call them Blessed, whom before themselves had branded with the Title of *The scum of the People, and the Base Multitude*.

All things however at present seemed hushed till after the Harvest; only some Ministers Petitioned September 26. not to be pressed with the Service-Book till His Majesties further pleasure were known; alledging, they were necessitated to this Course by the Examples and Encouragement of all Ranks from all parts of the Kingdom.

But so soon as the Harvest was over there was such a conflux of Nobility, Gentry, Ministers and Burgeses from all parts, and that after such a tumultuous manner that a present Insurrection was feared, which occasioned these three following Proclamations.

Apud *Edenburgh* 17. Octob. 1637.

Forasmuch as it hath pleased the King's Majesty, upon divers good respects and considerations, to give warrant and direction to the Lords of His Majesties Privy Council, for dissolving the meeting of this Council-day, in so far as concerneth matters of the Church: And that every one that hath come to attend this business, repair to their own dwellings, except such persons as shall make known to the said Lords of Council just cause of stay for their particular affairs; Therefore the said Lords, according to His Majesties special warrant and direction sent unto them, have dissolved, and by the tenour hereof do dissolve the meeting of this Council-day, in so far as concerns the business above written; And ordains a Maissar of Council to pass to the Mercate Cross of *Edenburgh*, and to make publication hereof; And to command every one that hath come hither to attend this business, to repair home to their own dwellings within twenty four hours after the publication hereof, except such persons as shall make known to the said Lords just cause of their farther particular affairs in manner aforesaid, under the pain of Rebellion,

and

and putting of them to the Horn; with certification to them, that if they fail they shall be denounced Rebels and be put to the Horn, and all their moveable goods escheat to His Majesties Use.

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Apud Edenburgh, 17. Octob. 1637.

FOrasmuch as it hath pleased the Kings Majesty, upon divers great and good considerations known to His Majesty, to remove his Council and Session from the City of Edenburgh to the Burgh of Dundee: And whereas it is inconvenient at this time to remove it so far, His Majesty is graciously pleased that this next Session shall be holden at the Burgh of Linlithgow, and the next after the ordinary vacants at the Burgh of Dundee: And there to remain during His Majesties pleasure: And therefore the said Lords, according to His Majesties special direction, ordains Maissars or Officers of Arms to pass and make publication hereof to all His Majesties good subjects by open Proclamation at all places needful, whereby they can pretend no ignorance thereof, but may prepare themselves to attend at Linlithgow and Dundee accordingly.

Apud Edenburgh, 17. Octob. 1637.

FOrasmuch as the King's Majesty is credibly informed, that there is a certain Book entituled, A Dispute against the English Popish-Ceremonies, obtruded upon the Kirk of Scotland: and hath been sent abroad and dispersed in this Kingdom, purposely to stir the hearts and affections of the subjects from their due obedience and allegiance: And therefore it hath pleased His Majesty to give Order and Direction to His Council, that diligent enquiry and search be made for the said Book; and for this effect the said Lords ordains Letters to be directed to make intimation and publication to all His Majesties subjects, that such of them as have any of the said Books, bring in the same to the Lords of His Majesties Privy Council betwixt the date of this Proclamation and the day of . . . And the said Books being brought in, that the same be publickly burnt, certifying all His Majesties subjects, if any of those Books shall be found or known to have been with any of them after the time aforesaid, that they shall incur the like censure and punishment as the Author may be found to deserve for any thing contained in that Book.

The necessity of which Proclamations appears by what immediately followed, for on the eighteenth of October, 1637. The Bishop of Galloway, and Sir William Elphinston the Lord Chief-Justice, being to examine witnesses in a Case between Francis Stuart, Son to the late Earl of Bothwell, and others; the Bishop in his passage to the Council-House was set upon by an outrageous multitude, who with Curses followed him to the very door, where he was met by another troop, who had torn him in pieces, if he had not been assisted by the said Francis Stuart and his attendants: nor was that place a Sanctuary, for they continued their demanding his Person and threatening him with Death. The report of which coming to the Earl of Traquair and the Earl of Wigton, they came with their followers and with much adoe getting into the Council-House, found themselves in no better condition than the Bishop: Upon

An Insurrection at Edenburgh.

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The Insolence
of the Popu-
lace.

this they send for assistance to the Lord Provost, Bailiffs and Council of the City then assembled, who by Sir *Thomas Thompson* return Answer, that they were in the same or worse condition, being beset by the multitude who threatned to kill all within the House if they did not immediately subscribe a Paper containing three Particulars. *First*, To joyn with them in Opposing, and Petitioning His Majesty against the Service-Book. *Secondly*, To restore *Ramsay* and *Rollock* two silenced Ministers. And *Thirdly*, *Henderson* a silenced Reader to their places. Which for fear of their Lives they Subscribed. The Lord Treasurer and Earl of *Wigton* go up to the Magistrates at the City Council-House to try what might be done to appease the tumult; they were a little pacified by the aforesaid Subscription, but when the said Lords would have returned to the Bishop, the enraged multitude ran upon them crying, *God defend all those who will defend Gods Cause, and God confound the Service-Book and all the maintainers of it.* Commands, Promises and Persuasions were all vain, the Lord Treasurer was thrown down, lost his hat, cloak and white-staff, and in great danger of being trodden to death; the Provost and Bailiffs could do nothing: at last the Lords sent to some of the Nobility and Gentry, opposers of the Service-Book, who coming to them declared their dislike of the Tumult, and being the Peoples favourites guarded the Lord Treasurer to *Haly-rood-house*, and the Bishop to his Lodgings. But the Provost was set upon, and crouded to his own House, affronted with railings, curses and throwing stones at his windows, till his Servants firing a piece only loaden with powder frightened away that rude multitude. In this Tumult two of the Bailiffs who had subscribed the Letters to my Lord of *Canterbury* were the most forward and violent.

The morning-storm being over, the Council ordered the following Proclamation to be issued out.

At *Haly-rood-house* the 18. of Octob. 1637.

FOrasmuch as a number of the Lords of his Majesties Privy Council, as likewise the Town-Council of *Edinburgh*, being this day convened in their several Judicatories for His Majesties special affairs and service, they were most rudely interrupted in the course of their proceedings, by a tumultuous gathering of the promiscuous and vulgar multitude, by whom His Majesties Council and Servants in an open way was shamefully environed: Which being a matter very disgracefull to His Majesties Authority and lawful Government, and which in the consequence thereof may produce dangerous effects, if the like be not prevented in the time to come; Therefore the Lords of secret Council, according to the duty of their place and charge incumbent unto them, Ordains a Maissar of Council to pass to the Mercate Cross of *Edinburgh*, and there by open Proclamation to discharge all publick gatherings and convocations of His Majesties Subjects within the City of *Edinburgh*, and upon the streets thereof; As likewise all private meetings tending to faction and tumult: And in His Majesties Name and Authority, to command and charge all His Majesties lieges and inhabitants within the said City, to contain themselves in peace and quietness; and for that effect to keep their houses, except when their lawful business doth otherwise call them, under all highest pain and charge that by rigour of Law can be inflicted upon the contraveeners of the premisses in manner above expressed.

To

To this Proclamation little Obedience was yielded; for the next Council-day the seditious sent Commissioners to require the performance of the Magistrates Promise.

From this and the former Tumult it is easie to judge how pleasing this intended Glorious Reformation must be to God, which was begun with contempt of the Divine Majesty, profanation of His House, and violation of those who attended His Altar; carried on in this Second Act with contempt of the highest Authority, violence to the Ministers of State, Magistrates Persons and Places, ever before accounted Sacred. It is also observable by what steps the Rebellion proceeded, and how the scene was laid so that they seemed counter-parts one of the other. The first Act was by the basest sort of the City, termed even by the Authors of the second *The Rascals and Scum of the People*. The second uproar, more seditious and dangerous than the first, was made by the best sort of Citizens, but disavowed by the Gentry, Nobility and Magistrates, though not so cried down by them as the former, nor any zeal manifested for the discovery or punishment of the Tumultuous. The Nobility and Gentry were to perform the third Act by a Protestation against His Majesties Proclamation, and Covenanting against Him and His Authority: for after these Tumults two Petitions were presented to the Chancellor and Council against the Service-Book and Book of Canons. That to the Chancellor as followeth.

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The steps and gradations of the Covenanters Tumults.

My Lord Chancellor,

UNto your Lordship humbly shews, we men, women, and children, and servants, Indwellers within the Burgh of Edinburgh: That whereas we being urged with this Book of Service, and having * considered the same, We find many things therein so far different from that form of Gods publick Worship universally received and professed within this Kingdom: And we Burgeses, being at our entrie and admission deeply sworn for the maintenance thereof, that now makes our hearts to tremble, and our weak consciences will not suffer us to embrace and practise this urged Service: We have this long time past, winked at some former alterations, being put in hope that no further novations should follow. But now we being oppressed, with our just fears to see our selves deprived of that liberty in serving God which ever hath been approved by Church and Kingdom: In place whereof we are now like to be constrained to embrace another, which hath neither been agitated nor received either by general Assembly or Parliament: In such extremity we are most humbly to supplicate your Lordship to consider our present estate, and that this business is a matter of so great weight and consequence as should not appear to be a needles noise of simple women, but it is the absolute desire of all our hearts for preservation of true Religion amongst us, which is dearer to us than either estate or life: And therefore we do humbly crave, that as the rest of the Kingdom, so we may have a time to advise, and that your Lordship may find out some way whereby we may be delivered from the fear of this and all other innovations of this kind, and have the happiness to enjoy the true Religion, as it hath been by the great mercy of God reformed in this land, and authorised by His Majesty, who may long and prosperously Reign over us; And your Lordships Answer,

* Observe that the children as well as the rest considered this.

Their

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Their Petition to the Council follows.

My Lords of Secret Council,

UNto your Lordships humbly shews ; We Noblemen, Barons, Ministers, Burgeses, and Commons ; That whereas we were in humble and quiet manner attending a gracious answer of our former supplications against the Service-Book imposed upon us, and ready to shew the great inconveniences which upon the introduction thereof must ensue, we are without any known desert, far by our expectation, surprised and charged by publick Proclamation to depart out of the town within twenty four hours thereafter, under pain of Rebellion ; by which peremptory and unusual charge, our fears of a more severe and strict course of proceeding are augmented, and course of our supplication interrupted : wherefore we are constrained, out of the deep grief of our hearts, humbly to remonstrate, that whereas the Archbishops and Bishops of this Realm, being intrusted by His Majesty with the government of the affairs of the Church of Scotland, have drawn up and set forth, and caused to be drawn up and set forth, and enjoined upon the subjects two Books ; In the one whereof, called The Book of Common-Prayer, not only are sown the seeds of divers Superstitions, Idolatry, and false doctrine, contrary to the true Religion established within this Realm by divers Acts of Parliament ; But also the Service-Book of England is abused, especially in the matter of Communion, by additions, subtractions, interchanging of words and sentences, falsifying of titles, and misplacing of Collects, to the disadvantage of Reformation, as the Romish-Mass is, in the more substantial points, made up therein, as we offer to instruct in time and place convenient, quite contrary unto and for reversing the gracious intention of the * Blessed Reformers of Religion in England. In the other Book called Canons and Constitutions for the Government of the Church of Scotland, they have ordained, That whosoever shall affirm that the form of Worship inserted in the Book of Common-Prayer and Administration of the Sacraments, (whereof heretofore and now we most justly complain,) doth contain any thing repugnant to the Scriptures, or are corrupt, superstitious, or unlawful in the service and worship of God, shall be excommunicated, and not be restored but by the Bishop of the place, or Archbishop of the Province, after his repentance and publick revocation of this his wicked error ; besides one hundred Canons more, many of them tending to the reviving and fostering of abolished superstitions and errors, and to the overthrow of our Church-Discipline established by Acts of Parliament, opening a door for what further invention of Religion they please to make, and stopping the way which Law before did allow unto us for suppressing of error and superstition ; and ordaining, That where in any of the Canons there is no penalty expressly set down, the punishment shall be arbitrary as the Bishop shall think fittest : all which Canons were never seen nor allowed in any General Assembly, but are imposed contrary to order of Law, appointed in this Realm for establishing Constitutions Ecclesiastical ; unto which two Books, the foresaid Prelates have under trust procured His Majesties Royal Hand and Letters Patents, for pressing the same upon His Loyal Subjects, and are the contrivers and devisers of the same, as doth clearly appear by the Frontispiece of the Book of Common-Prayer, and have begun to urge the acceptance of the same, not only by injunctions given in Provincial Assemblies, but also by open Proclamation

* And yet these blessed Reformers of Religion in England were the very same men who compiled the English Service-Book, which the Covenanters have printed and preached to be stuffed full of Idolatry Superstition and I'opery.

clamation and charge of Horning, whereby we are driven in such straits as we must either by Process of Excommunication and Horning suffer the ruin of our estates and fortunes, or else by breach of our Covenant with God, and forsaking the way of true Religion, fall under the wrath of God, which unto us is more grievous than death. Wherefore we being persuaded that these their proceedings are contrary to our gracious Sovereign's pious intention, who out of His zeal and Princely care of the preservation of true Religion established in this His antient Kingdom, hath ratified the same in His Highness Parliament, 1633. And so His Majesty to be highly wronged by the said Prelates, who have so far abused their credit with so good a King, as thus to insnare His Subjects, rend our Church, undermine Religion in Doctrine, Sacraments and Discipline, move discontent between the King and His Subjects, and discord between Subject and Subject, contrary to several Acts of Parliament: We out of bound duty to God, our King and native Countrey, complain of the foresaid Prelates, humbly craving, that this matter may be put to tryal, and these our parties taken order with according to the Laws of the Realm; and that they be not suffered to sit any more as Judges, until the cause be tryed and decided according to Justice. And if this shall seem to be to you a matter of higher importance than you will condescend unto, before His Majesty be acquainted therewith, Then we humbly supplicate that this our grievance and complaint may be fully represented to His Majesty, that from the influence of His Gracious Sovereignty and Justice these wrongs may be redressed, and we have the happiness to enjoy the Religion, as it hath been reformed in this Land.

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In this Petition it is observable. *First*, They complain of the mangling the *English Service-book*, and wronging the blessed intention of the Reformers, whereas in their Sermons they inveighed against that Service-Book as *Popish* and *Superstitious*, and as if the first Reformers never fully departed from *Rome*. Next to swell their Grievances, they added their dislike of the Canons. The Occasion of which Book was this, His Majesty intending to settle Uniformity in Government, for which in *Scotland* there were no certain Rules, so that neither Clergy or Laity knew the ones power or the others practice, in regard their Acts of Assemblies being only written were by many Transcripts become various, uncertain, and to many unknown; His Majesty therefore reduced those numerous Acts to a few, certain, and to be publickly known to all: and yet this furthering their knowledge and facilitating their obedience, was esteemed a most grievous burthen.

These Petitions were sent to His Majesty, who resolved to delay His Answer till the Authors of the Tumult might be found out and justly punished: and in the Interim put out a Proclamation signifying his detestation of *Popery* and *Superstition*, with the contrary suggestions whereof the Heads of the Faction had abused both His Majesty and Subjects.

Apud Linlithgow, Decemb. 7. 1637.

Forasmuch as the King's Majesty, having seen the Petition presented to the Lords of His Majesties Privy Council, and by them sent up to His Majesty concerning the Service-Book, determined to have taken the same into His Royal consideration, and to have given His gracious Answer thereanent with all conveniency: Like as His Majesty by His Letters to His Council of the date of the ninth of October last, did signifie His gracious resolution to the effect

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effect aforesaid. But since that time, His Majesty finding (far contrary to his expectation) that such disorderly, tumultuous and barbarous insolencies have been committed within the City of Edinburgh upon the eighteenth of October last, to the great contempt of His Majesties Royal Authority, by abusing His Majesties Councillors and Officers of State, with others bearing Charge and Authority under His Majesty within the said City: His Majesty in a just resentment of that foul indignity, (wherein His Majesties Honour did so much suffer) hath been moved to delay the signification of His Majesties gracious intention, in giving to His Subjects such satisfactory Answers to their Petitions as in equity might have been expected from so Just and Religious a Prince; But yet His Majesty being unwilling that His Loyal and Faithful Subjects should be possessed with groundless and unnecessary doubts and fears, His Majesty is pleased out of His goodness to declare, like as by these presents He declareth, That as He abhorreth all Superstition of Popery, so He will be most careful that nothing be allowed within His Majesties Dominions, but that which shall tend to the advancement of the true Religion, as it is presently professed within His most ancient Kingdom of Scotland: And that nothing is or was intended to be done therein against the laudable Laws of this His Majesties native Kingdom. And ordaineth publication to be made hereof in form as aforesaid.

At this time His Majesty sent the Earl of Roxburgh, Lord Privy Seal, into Scotland with Instructions to the Council which was removed to Dalkeith, four miles from Edinburgh: The Session was removed from Lithgow to Sterling, twenty four miles from Edinburgh. The Earl of Traquair, Lord Treasurer returned from England to Sterling, where by His Majesties Command a Proclamation was made for dispersing the multitudes, and assuring the Subjects of His Majesties sincerity towards the Religion established. There the Covenanting Nobility and Gentry first affronted His Majesties Authority and Laws, the Lords Hume and Lindsey, with many others of all Ranks making a Protestation against the said Proclamation, repeating it at Lithgow, and last at Edinburgh, with insolence, scoffing and scurrillity, entertaining the reading of His Majesties Proclamation; and as if theirs had been of equal Authority, not permitting the Heralds to depart till they had upon the Market-Cross ended their Protestation.

His Majesties Proclamation was as follows.

CHARLES By the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To Our Lovits, &c.

Our Sheriffs in that part conjunctly and severally, specially constituted, Greeting. Forasmuch as We, out of Our Princely care of maintenance of the true Religion already professed, and for beating down of all superstition, having ordained a Book of Common-Prayer to be compiled for the general use and edification of Our Subjects within Our ancient Kingdom of Scotland, the same was accordingly done: In the performance whereof, We took great care and pains; So as nothing past therein but what was seen and approved by Us, before the same was either divulged or printed, assuring all Our loving Subjects, that not only Our intention is, but even the very Book will be a ready means to maintain the true Religion already professed, and beat out all Superstition; of which We in Our own time do not doubt but in a fair course

to

to satisfie Our good Subjects. But having seen and considered some Petitions and Declarations given in to Our Council against the said Book and late Canons of the Church, We find Our Royal Authority much injured thereby, both in the matter and in the carriage thereof; whereby We conceive these of Our Nobility, Gentry, Burroughs, Ministers and others, who kept and assisted these Meetings and Convocations for contriving and forming the said Petitions, or who have subscribed the same, to deserve and be liable to Our high Censure, both in their persons and fortunes, as having convened themselves without either Our consent or authority; Yet because We believe that what they have done herein is out of a preposterous zeal, and not out of any disloyalty or disaffection to Sovereignty, We are graciously pleased in so far as concerns these meetings for consulting or subscribing of these Petitions, or presenting the same to any Judge or Judges in Our said Kingdom, to dispense therewith, and with what may be their fault or error therein, to all such as upon signification or declaration of Our pleasure shall retire themselves as becometh good and dutiful Subjects: To which purpose Our Will is, and We charge you straightly, and commands, that incontinent these Letters seen, you pass, and in Our name and authority make intimation hereof, to all Our lieges and subjects, by open Proclamation at all places needful, wherethrough none pretend ignorance thereof; And therewith also, that you in Our Name and Authority discharge all such Convocations and meetings in time coming, under the pain of Treason: And also that you command and charge, and inhibit all Our Lieges and Subjects, that none of them presume nor take in hand to resort nor repair to Our Burgh of Sterling, nor to no other Burgh where Our Council and Session sits, till first they declare their cause of coming to our Council, and procure their warrant to that effect. And further, that you command and charge all and sundry Provosts, Bailiffs, and Magistrates within Burgh, That they and every one of them have a special care and regard to see this Our Royal Will and Pleasure really and dutifully obeyed in all points; And that no violation thereof be suffered within their bounds, under all highest pain, crime and offence, that they may commit against Us in that behalf: As also that you command and charge all and sundry Noblemen, Barons, Ministers and Burrows, who are not actual indwellers within this Our Burgh, and are not of the number of the Lords of our Privy Council and Session, and members thereof, and are already within this our Burgh, that they, and every one of them, remove themselves and depart and pass forth of Our said Burgh, and return not again without the warrant aforesaid, within six hours after the publication hereof under the said pain of Treason. And as concerning any Petitions that hereafter shall be given unto Us upon this or any other subject, We are likewise pleased to declare, That We will not shut Our ears therefrom, so that neither the matter nor form be prejudicial to Our Regal Authority. The which to do We commit to you, conjunctly and severally, Our full Power by these Our Letters, delivering the same by you duly execute and endorsed again to the Bearer.

Given under Our Signet at Sterling the nineteenth day of February,
And of our Reign the thirteenth Year, 1638.

Per actum Secreti Concilii.

D

Here

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Here followeth their Protestation.

For God and the King.

WE Noblemen, Barons, Ministers, Burrows, appointed to attend His Majesties Answer to our humble Petition and Complaint, and to prefer new grievances, and to do what else may lawfully conduce to our humble desires; That whereupon the twenty third of *September* last, we presented a Supplication to your Lordships, and another upon the eighteenth of *October* last, and also a new Bill relative to the former upon the nineteenth of *December* last, and did therein humbly remonstrate our just exceptions against the Service-Book, and Book of Canons; and also against the Archbishops and Bishops of this Kingdom, as the contrivers, maintainers and urgers thereof, and against their sitting as our Judges until the cause be decided; earnestly supplicating withal to be freed and delivered from these and all other innovations of that kind, introduced against the laudable Laws of this Kingdom; as that of the High Commission, and other evils particularly mentioned, and generally contained in our foresaid supplications and complaints, and that this our party delinquent against our Religion and Laws may be taken order with, and these pressing grievances may be taken order with, and redressed according to the Laws of this Kingdom, as by our said supplications and complaints more largely doth appear: with the which on the nineteenth of *December* last, we gave in a Declinator against the Archbishops and Bishops as our parties, who by consequence could not be our Judges; whereupon your Lordships declared by your Act at *Dalkeith* the said nineteenth of *December*, that you would present our Petitions to His Majesties Royal Consideration, and that without prejudice of the Declinator given in by us the said supplicants; whereupon we should be heard at place and time convenient, and in the mean time should receive no prejudice, as the said Act in it self beareth. And whereas we your Lordships supplicants with a great deal of patience and hope also, grounded on sundry promises, were expecting an Answer to these our humble desires, and having learned that upon some directions of His Majesties anent our supplications and complaint unto your Lordships of the Secret Council, your Lordships admits to the consulting and judging anent our supplications, and His Majesties Answer thereunto, the Archbishops and Bishops our direct parties, contrary to our Declinator first propounded at *Dalkeith*, and now renewed at *Sterling*; and contrary to your *Lordships Act aforesaid at *Dalkeith*, and contrary to our Religion and Laws, and humble supplications. Therefore lest our silence be prejudicial to this so important a Cause, as concerns Gods Glory and Worship, our Religion, Salvation, the Laws and Liberties of this Kingdome, or derogatory to the former supplications and complaints, or unanswerable to the trust of our Commission; out of our bound duty to our God, our King and Native-Country, we are forced to take instruments in Notaries hands of your Lordships refusal to admit our Declinator, or remove these our Parties, and to Protest in manner following. *First*, That we may have our immediate recourse to our sacred Sovereign, to present our grievances, and in a legal way

* It is not so: for the Council never promised that the Bishops should be removed from the Table, but onely that they would make Us acquainted with their Petition.

way to prosecute the same before the ordinary competent Judges, Civil or Ecclesiastical, without any offence offered by us, or taken by your Lordships. *Secondly*, We protest that the said Archbishops and Bishops, our parties complained upon, cannot be reputed or esteemed lawful Judges to sit in any Judicatory in this Kingdom, Civil or Ecclesiastical, upon any of the supplicants, until after lawful Tryal judicially they purge themselves of such Crimes as we have already laid to their charge, offering to prove the same whensoever His Sacred Majesty shall please to give us Audience. *Thirdly*, We Protest that no Act nor Proclamation to follow thereupon, past or to be past in Council or out of Council, in presence of the Archbishops and Bishops, whom we have already declined to be our Judges, shall any ways be prejudicial to us the supplicants, our persons, estates, lawful meetings, proceedings or pursuits. *Fourthly*, We protest that neither we nor any whose heart the Lord moveth to joyn with us in these our supplications against the foresaid Innovations shall incur any danger in Life, Lands, or any Political or Ecclesiastical pains, for not ob- serving such Acts, Books, Canons, Rites, Judicatories, Proclamations, in- troduced without or against the Acts of General Assemblies, or Acts of Parliament, the Statutes of this Kingdome; But that it shall be lawful to us or them to use our selves in matters of Religion of the external Worship of God and Policy of the Church, according to the Word of God, and laudable Constitutions of this Church and Kingdom, conform to His Majesties Declaration the ninth of *December* last. *Fifthly*, Seeing by the legal and submiss way of our former supplications, all who takes these Innovations to heart have been kept calm and carried themselves in a quiet manner in hope of redress; We protest that if any inconvenience shall happen to fall out (which we pray the Lord to prevent) upon the pressing of any of the foresaid Innovations or Evils, specially or generally contained in our former supplications and complaints, and upon your Lordships refusal to take order thereanent, the same be not imputed to us, who most humbly seeks all things to be reformed by an Order. *Sixthly*, We protest that these our requests proceeding from conscience and a due respect to His Majesties Honour, do tend to no other end, but to the preservation of the true reformed Religion, the Laws and Liberties of this His Majesties most ancient Kingdom, and satisfaction of our most humble desires contained in our supplication and complaint, according to his Majesties accustomed goodness and justice, from which we do certainly expect that His Sacred Majesty will provide and grant such remedy to our just Petitions and complaints, as may be expected from so gracious a King toward most Loyal and Dutiful Subjects, calling for redress of so pressing grievances, and praying to God that His Majesty may long and prosperously Reign over us.

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From which Protestation may be observed, *First*, The injustice of their demands to have some of the Bishops removed from the Secret Council, alledging this Declinator against them made them Parties, and so they ought not to be Judges, upon which they promise to prove great Crimes against them, in effect desiring they may be first Condemned and Tried afterward, Protesting against all Acts of Council while they sate there, when by the same reason the Bishops and others Declinator against their Assembly, who made themselves both Parties and Judges, would by no means be allowed by themselves.

The unrea-
sonable de-
mands of the
Covenanters.

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The Covenant-
ers usurp the
Supremacy.

They erect
four Tables to
Consult and
Determine
Publick Af-
fairs.

Secondly, Observe their demands in this Protestation though bold and insolent, are far short of what they made afterwards. Thus they drew on their Party by small beginnings till they had engaged them beyond Pardon and Retreat.

And now the Protesters come to plain Rebellion, investing themselves with the Supreme Ensigns of Sovereignty; for without His Majesties Authority, and in contempt of Him they erect *Tables*, as they called them, four in *Edenburgh*, one of the Nobility, a second of the Gentry, a third of the Burgesses, and a fourth of the Ministers; to which there were many subordinate Tables in the several Shires: These Tables consulted what was to be propounded to the General Table, composed of Commissioners chosen from the four Tables, and what they of the General Table resolved was with a blind Jesuitical Obedience to be put in practice. The First Act of Rebellion was their *Lewd Covenant and Band* annexed, which was a Combination against all that should oppose them, not excepting His Majesty. A Combination against the Laws of God, Nations, and the Municipal Laws of the Kingdom, against the Government, which ever from *Fergus* the First King, was Monarchical.

The Kings Majesties Charge to all Commissioners and Ministers within this Realm, in the Year of God 1580.

Seeing that We and Our Household have Subscribed and given this publick Confession of Our Faith, to the good Example of our Subjects, We Command and Charge all Commissioners and Ministers, to crave the same Confession of their Parochianars, and proceed against the refusers according to Our Laws and Order of the Kirk, delivering their Names and lawful process to the Ministers of Our House, with all haste and diligence, under the pain of forty pound to be taken from their Stipend, that We with the Advice of Our Council may take Order with such proud Contemners of God and Our Laws.

Subscribed with Our Hand at *Haly-rood-house*, 1580. the Second day of March, the fourteenth Year of Our Reign.

The Covenant and Band annexed follows.

The Confession of Faith Subscribed at first by the King's Majesty and His Household, in the Year of God 1580. Thereafter, by Persons of all Ranks in the Year 1581. by Ordinance of the Lords of the Secret Council, and Acts of the General Assembly. Subscribed again by all sorts of Persons in the Year 1590. By a new Ordinance of Council, at the desire of the General Assembly: with a general Band for maintenance of the true Religion and the King's Person. And now subscribed in the Year 1638. by us Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons under Subscribing: Together with our resolution and promises for the causes after specified, To maintain the said true Religion, and the King's Majesty according to the Confession aforesaid, and Acts of Parliament. The Tenor whereof here followeth.

WE all and every one of us underwritten Protest, That after long and due examination of our own Consciences in matters of true and false Religion, are now throughly resolved of the Truth by the Word and Spirit of God, and therefore we believe with our heart, confess with our mouths,

‘ mouths, subscribe with our hands, and constantly affirm before God
‘ and the whole World ; that this only is the true Christian Faith and Re-
‘ ligion, pleasing God and bringing Salvation to man, which is now by the
‘ mercy of God revealed to the World by the Preaching of the blessed
‘ Evangel.

‘ And received, believed and defended, by many and fundry notable
‘ Kirks and Realms, but chiefly by the Kirk of *Scotland*, the King's Majesty
‘ and three Estates of this Realm, as Gods Eternal Truth, and onely
‘ ground of our Salvation : as more particulary is expressed in the Con-
‘ fession of our Faith, established and publickly confirmed by fundry
‘ Acts of Parliaments, and now of a long time hath been openly professed
‘ by the King's Majesty and whole body of this Realm both in Burgh and
‘ Land. To the which Confession and form of Religion, we willingly
‘ agree in our consciences in all points, as unto Gods undoubted Truth and
‘ Verity, grounded only upon his written Word. And therefore we ab-
‘ hor and detest all contrary Religion and Doctrine : But chiefly, all kind
‘ of Papistry in general and particular heads, even as they are now damned
‘ and confuted by the Word of God, and Kirk of *Scotland* : but in special
‘ we detest and refuse the usurped Authority of that *Roman Anti-*
‘ christ upon the Scriptures of God, upon the Kirk, the Civil-Magistrate,
‘ and Consciences of men. All his Tyrannous Laws made upon indif-
‘ ferent things against our Christian Liberty. His erronious Doctrine
‘ against the sufficiency of the written Word, the perfection of the Law,
‘ the Office of Christ and His Blessed Evangel. His corrupted Doctrine
‘ concerning Original Sin, our natural inability and rebellion to Gods Law,
‘ our justification by Faith only, our imperfect sanctification and obedi-
‘ ence to the Law, the Nature, Number and Use of the Holy Sacraments.
‘ His five bastard Sacraments, with all his Rites, Ceremonies, and false
‘ Doctrine, added to the ministration of the true Sacraments without the
‘ Word of God. His cruel judgment against Infants departing without
‘ the Sacrament : his absolute necessity of Baptism : his blasphemous opi-
‘ nion of Transubstantiation or Real Presence of Christs Body in the Ele-
‘ ments, and receiving of the same by the wicked or bodies of men. His
‘ dispensations with solemn oaths, perjuries, and degrees of Marriage for-
‘ bidden in the Word : his cruelty against the innocent divorced : his
‘ devillish Mass : his blasphemous Priesthood : his prophane Sacrifice for
‘ the sins of the dead and the quick : his Canonization of men, calling
‘ upon Angels or Saints departed, worshipping of Imagery, Relicks and
‘ Crosses, dedicating of Kirks, Altars, Days, Vows to Creatures ; his
‘ Purgatory, prayers for the dead, praying or speaking in a strange lan-
‘ guage, with his Processions and Blasphemous Letany, and multitude of
‘ Advocates or Mediators : his manifold Orders, Auricular Confession :
‘ his desperate and uncertain Repentance : his general and doubtful faith :
‘ his satisfactions of men for their sins ; his justification by works, *opus*
‘ *operatum*, works of supererogation, Merits, Pardons, Peregrinations and
‘ Stations : his holy-water, baptising of Bells, conjuring of Spirits, crossing,
‘ fanning, anointing, conjuring, hallowing of Gods good creatures, with
‘ the superstitious opinion joined therewith : his worldly Monarchy, and
‘ wicked Hierarchy : his three solemn vows, with all his shavelings of
‘ fundry sorts, his erronious and bloody decrees made at *Trent*, with
‘ all the subscribers and approvers of that cruel and bloody Band, con-
‘ jured against the Kirk of God : and finally we detest all his vain
‘ Allegories, Rites, Signs, and Traditions brought in the Kirk, without
‘ or

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‘ or against the Word of God, and Doctrine of this true Reformed Kirk ;
 ‘ to the which we joyn our selves willingly, in Doctrine, Faith, Religion,
 ‘ Discipline, and use of the Holy Sacraments, as lively members of the
 ‘ same in Christ our Head : promising and swearing by the Great Name of
 ‘ the Lord our God, That we shall continue in the obedience of the Doctrine
 ‘ and Discipline of this Kirk, and shall defend the same according to our
 ‘ vocation and power, all the days of our lives, under the pains contained
 ‘ in the Law, and danger both of Body and Soul in the day of Gods fear-
 ‘ ful Judgment : and seeing that many are stirred up by Satan and that
 ‘ Roman Antichrist to promise, swear, subscribe, and for a time use the
 ‘ Holy Sacraments in the Kirk deceitfully against their own consciences,
 ‘ minding thereby first under the external cloak of Religion, to corrupt and
 ‘ subvert secretly Gods True Religion within the Kirk, and afterward
 ‘ when time may serve, to become open enemies and persecutors of the same,
 ‘ under vain hope of the Popes dispensation, devised against the Word of
 ‘ God, to his greater confusion and their double condemnation in the day
 ‘ of the Lord Jesus.

‘ We therefore willing to take away all suspicion of hypocrisie, and of
 ‘ such double dealing with God and His Kirk, Protest, and call *The Searcher*
 ‘ *of all hearts* for witness, that our minds and hearts do fully agree with
 ‘ this our Confession, Promise, Oath and Subscription ; so that we are not
 ‘ moved for any worldly respect, but are persuaded only in our Consciences
 ‘ through the knowledge and love of Gods True Religion printed in our
 ‘ hearts by the Holy Spirit, as we shall answer to Him in the day when
 ‘ the secrets of all hearts shall be disclosed. And because we perceive that
 ‘ the quietness and stability of our Religion and Kirk doth depend upon the
 ‘ safety and good behaviour of the King’s Majesty, as upon a comfortable
 ‘ instrument of Gods mercy granted to this Countrey for the maintaining
 ‘ of His Kirk, and ministration of Justice amongst us, we Protest and Pro-
 ‘ mise with our hearts under the same Oath, Handwrit and Pains, that
 ‘ we shall defend His Person and Authority, with our Goods Bodies and
 ‘ Lives, in the Defence of Christ His Evangel, Liberties of our Countrey,
 ‘ ministration of Justice, and punishment of Iniquity, against all Enemies
 ‘ within this Realm or without, as we desire our God to be a strong and
 ‘ merciful Defender to us in the day of our death and coming of our Lord
 ‘ Jesus Christ. To whom with the Father and the Holy Spirit, be all Ho-
 ‘ nour and Glory Eternally.

‘ Like as many Acts of Parliament not onely in general do abrogate,
 ‘ annul and rescind all Laws, Statutes, Acts, Constitutions, Canons
 ‘ Civil or Municipal, with all other Ordinances and practick penalties
 ‘ whatsoever made in prejudice of the True Religion and Professors thereof,
 ‘ or of the True Kirk-Discipline, Jurisdiction and Freedom thereof : or
 ‘ in favours of Idolatry and Superstition : or of the *Papistical* Kirk, as *Act. 3.*
 ‘ *Act. 31. Parl. 1. Act. 23. Parl. 11. Act. 114. Parl. 12.* of King James the
 ‘ sixth, That *Papistry* and Superstition may be utterly suppressed, accord-
 ‘ ing to the intention of the Acts of Parliament reported in *Act. 5. Parl. 20.*
 ‘ K. James 6. And to that end they ordain all *Papists* and Priests to be
 ‘ punished by manifold Civil and Ecclesiastical pains as Adversaries to
 ‘ Gods True Religion, Preached and by Law established within this
 ‘ Realm, *Act. 24, Parl. 11. K. James 6.* As common Enemies to all Chri-
 ‘ stian Government, *Act. 18. Parl. 16. K. James 6.* As Rebels and gain-
 ‘ standers of our Sovereign Lords Authority, *Act, 47. Parl. 3. K. James 6.*
 ‘ And

And as Idolaters, *Act. 104. Parl. 7. K. James 6.* But also in particular (by
and attour the Confession of Faith) do abolish and condemn the Pope's
Authority and Jurisdiction out of this Land, and ordains the maintainers
thereof to be punished, *Act. 2. Parl. 1. Act. 51. Parl. 3. Act. 106. Parl. 7.*
Act. 114. Parl. 12. K. James 6. Do condemn the Popes erroneous doctrine
or any other erroneous doctrine repugnant to any of the Articles of the
True and Christian Religion publicly preached, and by Law established
in this Realm: and ordains the spreaders and makers of Books or Libels,
or Letters, or Writs of that nature to be punished, *Act. 46. Parl. 3. Act. 106.*
Parl. 7. Act. 24. Parl. 11. K. James 6. Do condemn all Baptism conform
to the Popes Kirk and the Idolatry of the Mass and ordains all sayers,
wilful hearers and concealers of the Mass, the maintainers and setters of
the Priests, Jesuits, trafficking Papists, to be punished without any ex-
ception or restriction, *Act. 5. Parl. 1. Act. 120. Parl. 12. Act. 164. Parl. 13.*
Act. 193. Parl. 14. Act. 1. Parl. 19. Act. 5. Parl. 20. K. James 6. Do con-
demn all Erronious Books and Writs containing Erronious Doctrine
against the Religion presently professed, or containing Superstitious Rites
and Ceremonies *Papistical*, whereby the People are greatly abused, and
ordains the homebringers of them to be punished, *Act. 25. Parl. 11.*
K. James 6. Do condemn the monuments and dregs of bygone Idolatry, as
going to Crosses, observing the Festival Days of Saints, and such other Su-
perstitious and *Papistical* Rites, to the dishonour of God, contempt of
True Religion, and fostering of great Errour among the People, and or-
dains the users of them to be punished for the second fault as Idolaters,
Act. 104. Parl. 7. K. James 6.

Like as many Acts of Parliament are conceived for maintenance of
Gods True and Christian Religion, and the purity thereof in Doctrine and
Sacraments of the True Church of God, the Liberty and Freedome
thereof, in her National Synodal Assemblies, Presbyteries, Sessions, Policy,
Discipline and Jurisdiction thereof, as that purity of Religion and Li-
berty of the Church was used, professed, exercised, preached and con-
fessed according to the Reformation of Religion in this Realm. As for
instance, *Act. 99. Parl. 7. Act. 23. Parl. 11. Act. 114. Parl. 12. Act. 160.*
Par. 13. K. James 6. ratified by Act. 4. K. Charles. So that *Act. 6. Parl. 1.*
and *Act. 68. Parl. 6. of K. James 6.* in the year of God 1579. Declares
the Ministers of the Blessed Evangel, whom God of His Mercy had raised
up, or hereafter should raise, agreeing with them that then lived in Do-
ctrine and Administration of the Sacraments and the People that professed
Christ, as he was then offered in the Evangel, and doth communicate with
the Holy Sacraments (as in the Reformed Kirks of this Realm they were
presently administrate) according to the Confession of Faith, to be the
True and Holy Kirk of *Jesus Christ* within this Realm, and decerns and
declares all and sundry, who either gainsays the Word of the Evangel,
received and approved as the heads of the Confession of Faith, professed
in Parliament in the Year of God 1560. Specified also in the first Par-
liament of *K. James 6.* and ratified in this present Parliament more par-
ticularly do specify; or that refuses the Administration of the Holy
Sacraments as they were then ministrated, to be no members of the said
Kirk within this Realm and True Religion presently professed, so long as
they keep themselves so divided from the society of Christ's Body: And
the subsequent *Act. 69. Parl. 6. K. James 6.* declares, That there is no
other face of Kirk, nor other face of Religion than was presently at that
time

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time by the favour of God established within this Realm, which therefore is ever stiled Gods True Religion, Christ's True Religion, the True and Christian Religion, and a perfect Religion. Which by manifold Acts of Parliament, all within this Realm are bound to profess to subscribe the Articles thereof, the Confession of Faith, to recant all Doctrine and Errors repugnant to any of the said Articles, *Act. 4. and 9. Parl. 1. Act. 45. 46. 47. Parl. 3. Act. 71. Parl. 6. Act. 106. Parl. 7. Act. 24. Parl. 11. Act. 123. Parl. 12. Act. 194, & 197. Parl. 14. of K. James 6.* And all Magistrates, Sheriffs, &c. on the one part, are ordained to search, apprehend and punish all contraveeners: for instance, *Act. 5. Parl. 1. Act. 104. Parl. 7. Act. 25. Parl. 11. K. James 6.* And that, notwithstanding of the Kings Majesties Licences on the contrary, which are discharged and declared to be of no force, in so far as they tend in any ways to the prejudice and hinder of the execution of the Acts of Parliament against Papists and Adversaries of True Religion, *Act. 106. Parl. 7. K. James 6.* on the other part, in the *47. Act. Parl. 3. K. James 6.* It is declared and ordained, seeing the Cause of Gods True Religion, and His Highness Authority are so joyned, as the hurt of the one is common to both; and that none should be reputed as Loyal and Faithful Subjects to our Sovereign Lord or His Authority, but be punishable as rebellers and gainstanders of the same, who shall not give their Confession and make their Profession of the said True Religion; and that they who after defection shall give the Confession of their Faith anew, they shall promise to continue therein in time coming, to maintain our Sovereign Lord's Authority, and at the uttermost of their power to fortifie, assist and maintain the true Preachers and Professors of Christs Religion, against whatsoever enemies and gainstanders of the same: and namely, against all such of whatsoever Nation, Estate or Degree they be of, that have joyned and bound themselves, or have assisted or assists, to set forward and execute the cruel Decrees of *Trent*, contrary to the Preachers and true Professors of the Word of God, which is repeated word by word in the Articles of Pacification at *Pearth* the twenty third of *February*, 1572. approved by Parliament the last of *April*, 1573. ratified in Parliament 1578. and related *Act. 123. Parl. 12. of K. James 6.* with this addition, That they are bound to resist all treasonable uproars and hostilities raised against the True Religion, the Kings Majesty, and the true Professors.

Like as all Lieges are bound to maintain the Kings Majesties Royal Person and Authority, the Authority of Parliaments, without the which neither any Laws or Lawful Judicatories can be established, *Act. 130. Act. 131. Parl. 8. K. James 6.* and the Subjects Liberties who ought only to live and be governed by the Kings Laws, the Common Laws of this Realm allanerly, *Act. 48. Parl. 3. K. James 1. Act. 79. Parl. 6. K. James 4.* repeated in *Act. 131. Parl. 8. K. James 6.* which if they be innovated or prejudged, the Commission anent the Union of the two Kingdoms of *Scotland* and *England*, which is the sole Act of the *17. Parl. of K. James 6.* declares such confusion would ensue as this Realm could be no more a Free Monarchy, because by the fundamental Laws, ancient Priviledges, Offices and Liberties of this Kingdom, not only the Princely Authority of His Majesties Royal Descent hath been these many Ages maintained, but also the Peoples security of their Lands, Livings, Rights, Offices, Liberties and Dignities preserved; and therefore

for

for the preservation of the said True Religion, Laws and Liberties of this Kingdom, it is Statute by *Act. 8. Parl. 1.* repeated in *Act. 99. Parl. 7.* ratified in *Act. 23. Parl. 11.* and *114. Act. of K. James 6.* and *4. Act. of K. Charles,* That all Kings and Princes at their Coronation and reception of their Princely Authority, shall make their faithful promise by their solemn Oath in the presence of the Eternal God, that enduring the whole time of their lives, they shall serve the same Eternal God, to the uttermost of their power, according as he hath required in his most Holy Word, contained in the Old and New Testaments. And according to the same Word, shall maintain the True Religion of *Christ Jesus,* the Preaching of His Holy Word, the due and right ministration of the Sacraments now received and Preached within this Realm (according to the Confession of Faith immediately preceeding) and shall abolish and gainstand all false Religion contrary to the same, and shall Rule the People committed to their Charge according to the Will and Command of God revealed in his foresaid Word, and according to the lawable Laws and Constitutions received in this Realm, no ways repugnant to the said Will of the Eternal God, and shall procure to the uttermost of their power, to the Kirk of God and whole Christian People, true and perfect peace in all time coming; and that they shall be careful to root out of their Empire all Hereticks and Enemies to the true Worship of God, who shall be convicted by the true Kirk of God of the foresaid crimes; which was also observed by His Majesty at His Coronation in *Edenburgh, 1633.* as may be seen in the Order of the Coronation.

In obedience to the Commandment of God, conform to the practice of the godly in former times, and according to the laudable example of our worthy and religious Progenitors, and of many yet living amongst us, which was warranted also by Act of Council, commanding a general Band to be made and subscribed by His Majesties Subjects of all ranks, for two Causes: one was for defending the true Religion, as it was then reformed and is expressed in the Confession of Faith above-written, and a former large Confession established by sundry Acts of Lawful General Assemblies and of Parliament, unto which it hath relation, set down in publick Catechisms, and which had been for many years with a Blessing from Heaven, Preached and Professed in this Kirk and Kingdom, as Gods undoubted Truth, grounded only upon His written Word: the other Cause was for maintaining the Kings Majesty, His Person and Estate: the true Worship of God and the Kings Authority being so straightly joyned, as that they had the same Friends and common Enemies, and did stand and fall together. And finally, being convinced in our minds, and confessing with our mouths, that the present and succeeding generations in this Land, are bound to keep the foresaid National Oath and Subscription inviolable, We Noblemen, Barons, Gentlemen, Burgeses, Ministers, and Commons under-subscribing, considering divers times before, and especially at this time, the danger of the true reformed Religion, of the Kings Honour and of the Publick Peace of the Kingdom, by the manifold Innovations and Evils generally contained and particularly mentioned in our late supplications, complaints and protestations, do hereby profess, and before God, His Angels and the World, solemnly declare, That with our whole hearts we agree and resolve all the days of our life constantly to adhere unto, and to defend the foresaid true Religion, and forbearing the practice of all novations, already introduced in the matters of the Worship of God, or approbation of the

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· corruptions of the publick Government of the Kirk, or Civil Places and
 · Power of Kirkmen, till they be tryed and allowed in free Assemblies,
 · and in Parliaments, to labour by all means lawful to recover the purity
 · and liberty of the Gospel, as it was established and professed before
 · the foresaid novations : And because, after due examination, we plainly
 · perceive and undoubtedly believe, that the Innovations and evils con-
 · tained in our Supplications, Complaints and Protestations have no war-
 · rant of the Word of God, are contrary to the Articles of the foresaid
 · Confessions, to the intention and meaning of the Blessed Reformers of
 · Religion in this Land, to the above-written Acts of Parliament, and do
 · sensibly tend to the re-establishing of the Popish Religion and Tyranny,
 · and to the subversion and ruin of the true Reformed Religion, and of
 · our Liberties, Laws and Estates. We also declare, that the foresaid Con-
 · fessions are to be interpreted and ought to be understood of the foresaid
 · novations and evils, no less than if every one of them had been expref-
 · sed in the foresaid Confessions; and that we are obliged to detest and
 · abhor them, amongst other particular heads of Papistry abjured therein.
 · And therefore from the knowledge and conscience of our Duty to God,
 · to our King and Countrey, without any worldly respect or inducement,
 · so far as human infirmity will suffer, wishing a farther measure of the
 · Grace of God for this effect, We Promise and Swear by the Great Name
 · of the Lord our God, to continue in the Profession and Obedience of
 · the foresaid Religion : That we shall defend the same, and resist all
 · these contrary errors and corruptions, according to our vocation, and
 · to the uttermost of that power that God hath put in our hands, all the
 · days of our life : And in like manner with the same heart we declare
 · before God and Men, That we have no intention or desire to attempt
 · any thing that may turn to the dishonour of God, or to the diminution
 · of the King's Greatness and Authority : But on the contrary, we pro-
 · mise and swear, that we shall to the uttermost of our power, with our
 · means and lives, stand to the defence of our dread Sovereign, the Kings
 · Majesty, His Person and Authority, in the defence and preservation of
 · the foresaid true Religion, Liberties and Laws of the Kingdom; as also
 · to the mutual defence and assistance, every one of us of another in the
 · same Cause of maintaining the true Religion, and His Majesties Au-
 · thority, with our best counsel, our bodies, means and whole power,
 · against all sorts of persons whatsoever. So that whatsoever shall be done
 · to the least of us for that cause, shall be taken as done to us all in ge-
 · neral and to every one of us in particular. And that we shall neither
 · directly nor indirectly suffer our selves to be divided or withdrawn by
 · whatsoever suggestion, combination, allurement or terroure, from this
 · blessed and loyal Conjunction, nor shall cast in any let or impediment
 · that may stay or hinder any such resolution, as by common consent shall
 · be found to conduce for so good ends. But on the contrary shall by all
 · lawful means labour to further and promote the same : and if any such
 · dangerous and divisive motion be made to us by Word or Writ, we
 · and every one of us, shall either suppress it, or if need be, shall incon-
 · tinent make the same known, that it may be timely obviated; nei-
 · ther do we fear the foul aspersions of rebellion, combination, or what
 · else our adversaries from their craft and malice would put upon us, seeing
 · what we do is so well warranted, and ariseth from an unfeigned desire
 · to maintain the true Worship of God, the Majesty of our King, and
 · the Peace of the Kingdom, for the common happiness of our selves, and
 · the

the posterity. And because we cannot look for a blessing from God upon our proceedings, except with our Profession and Subscription, we joyn such a life and conversation as beseemeth Christians, who have renewed their Covenant with God; We therefore faithfully promise for our selves, our followers, and all others under us, both in publick, in our particular families and personal carriage, to endeavour to keep our selves within the bounds of Christian Liberty, and to be good examples to others of all Godliness, Soberness and Righteousness, and of every duty we owe to God and Man. And that this our Union and Conjunction may be observed without violation, we call the Living God the Searcher of our hearts to witness, who knoweth this to be our sincere desire, and unfained Resolution, as we shall answer to *JESUS CHRIST* in the great Day, and under the pain of Gods everlasting wrath and of infamy, and of loss of all honour and respect in this world: most humbly beseeching the *LORD* to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with a happy success, that Religion and Righteousness may flourish in the Land, to the Glory of God, the Honour of our King, and peace and comfort of us all. In witness whereof we have subscribed with our hands all the premisses, &c.

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To which in Vindication of Royal Authority, and the Monarchical Government of *Scotland*, His Majesty propounded these Four Queries.

I. **B**Y what Authority they entred into this *Covenant*, and how they durst presume to Administer an Oath to His Majesties Subjects? It is certain no Publick Oath can be tendred but by a Magistrate; and though they Answer they have a Precedent, though not a Law, (*viz.*) That King *James* and His Houshold subscribed this Confession, *Anno* 1580. and all Ranks by Order of Council and Assembly, *Anno* 1581. and by a new Order of Council at the desire of the Assembly, with a general Band for maintenance of the True Religion, and the King's Person, *Anno*. 1590. Yet this Confession and Covenant was not Commanded or Subscribed by His Majesty, as the other was by His Royal Father: and the Judgment of the General Assembly though then at highest, by their request made it evident that no Authority could renew that Command but the same which at first imposed it. On the contrary, when His Majesty by Proclamation Commanded the renewing that Oath, the Tables refused to swear it themselves, and Commanded that none in the Kingdom should take it by any Authority from His Majesty, thereby devesting His Majesty of His Authority, and setting up their own above His.

His Majesties
Queries a-
gainst the Co-
venant.

II. If they had had a power to impose this Oath, yet what had they for interpreting it? for no less Authority can interpret a Law than the same which made it. His Majesty and those Judges deputed by Him are therefore the only true Interpreters of this Oath: and the other interpretation is not onely illegal but false and ridiculous, contrary to Reason, Religion, Honesty and Conscience, when they say this Confession ought to be understood of all their pretended Novations, no less than if they had been particularly expressed in the said Confession, for how can any person safely swear, that the Framers of that first Confession intended it against the five Articles of *Pearth*, the Service-Book, Canons and High Commission, things they never heard of while alive, but intended it only against such *Romish* Corruptions as then infested the Church. And therefore with more wit than honesty where they met with no scruples, the *Covenanters*

The Ingenuity
of the Cove-
nanters.

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A Jesuitical
reservation of
the Covenant-
ers.

suffered the People to swallow that interpretation so quite contrary to the Text of the Confession; but where the Ministers or others, who had sworn obedience to those Points, scrupled that Gloſs, they assured them it would breed a great Division to alter the words of the *Covenant*; but that they might very well swear with a reservation of not abjuring *Episcopacy*, the Articles of *Pearth*, or any thing Established by Acts of Parliament or the General Assembly: with which Jesuitical reservation on the part of the Imposers many of the Ministers swore their *Covenant*.

III. How could they take upon them to add to the former Confession? That was made for Defence of His Majesties Person and Authority with their Fortunes, Bodies and Lives, in defence of the Gospel of *Christ* and the Liberties of the Kingdom: whereas by their own Authority they have superadded a mutual defence of one another against all persons whatsoever, not excepting His Majesty; which is in effect, if His Majesty shall oppose their Courses, to oppose Him and all such as adhere to Him and their Loyalty. And whether King *James* in the first Confession and Band intended it against His Son and Successor, or the intention of that be a Warrant for this, or how the *Covenanters* could swear to defend His Majesties Person and Authority, and yet to defend one another against all persons whatsoever let the whole World be Judge.

IV. What defence can they make against those Acts of Parliament which ordain all such to be punished as movers of Sedition, and disturbers of the Publick Peace, who league themselves together without the knowledge or approbation of their Sovereign? Which Acts are these following.

The Tenth Parliament of *James* the Sixth, Act. 12.

FOrasmuch as there was an Act made in the Regiment of *Mary*, late Queen Dowager, and Regent of this Realm, Our Sovereign Lords Grandmother of worthy memory, concerning Leagues and Bands, as being thought, against all Law and Obedience of Subjects towards their Princes; The not observation of which Act since the making, have given occasion of many troubles which have occurred since: Wherefore Our Sovereign Lord, with the advice of His three Estates, convened in this present Parliament, ratifieth, approveth, and for His Successors perpetually confirmeth the said Act of Parliament, and ordaineth the same to have full effect and execution in all time to come: And also of new, with the advice of His said three Estates, dischargeth and annulleth all Leagues and Bands made between his Lieges and Subjects at any time by-past preceeding the date hereof: And statuteth and ordaineth, That in time to come no Leagues nor Bands be made amongst His Subjects, of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privy and consent had and obtained thereunto, under the pain of being held and executed as movers of Sedition and Unquietness, to the breach and trouble of the publick Peace of the Realm, and to be cited and pursued therefore with all rigour to the Example of others.

The Ninth Parliament of Queen *Mary*, Act. 75.

IT is statuted and ordained by the Queens Majesty, and three Estates in Parliament, That no manner of person or persons of whatsoever quality, estate, condition or degree, Lieges of this Realm, attempt to do or raise any bands of men of war, on horse or foot, with Culverins, Pistols, Pikes, Spears, Jacks, Splents, Steel-bonnets, white harnis, or other warlike munition whatsoever, for daily,

daily, weekly, or monthly wages in any time to come, without special Licence in writing had and obtained of our Sovereign Lady and Her successors, under the pain of death, to be executed upon the raisers of the said bands, as also upon them that do convene and rise in bands.

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Now His Majesties consent to their *Covenant* was not only never granted, but never so much as desired, Besides, how will they answer the Un-Jesuited Divines abroad, or their own at home, That no Oath, much less an unlawful one, can be administred to Subjects without the Authority of their Sovereign; The Universities of *S. Andrews* and *Aberdeen*, opposed the *Covenant* with such invincible Arguments as have been unanswerable, and hitherto unanswered. And how poorly they answered the Queries of the Divines of *Aberdeen* by the Three Ministers sent from the Tables, is as obvious as they made themselves ridiculous. They of the Colledge of *Glasgow* till extreemly threatned did not Subscribe the *Covenant*; and then with such limitations, as overthrew the very foundation of it. Some of the Regents both there and at *Edenburgh* were expelled for refusing to Subscribe. And certainly in Conscience and Reason, the Judgment of so many learned Divines and Professors ought to be preferred before the groundless Opinion of their Tables, consisting chiefly of Noblemen, Gentlemen and Tradesmen, not too well studied in such Cases.

It is further observable how in this *Covenant* they swelled their complaints beyond those in their Tumults or Petitions; in those the Service-Book and Canons were the only grievances: now they complain of, and abjure the five Articles of *Pearth*, though Established by Acts of Parliament and Assemblies; the High Commission, quietly settled from the Year 1609. the Prelates sitting in Judicatures; thereby robbing His Majesty of the Service and Abilities of His Subjects: as if Holy Orders did superinduce a disability for Civil Wisdom and Prudence; whereas they hold that even *jure divino*, Noblemen, Gentlemen, Merchants, Taylors, Sadlers, Shoemakers and other Mechanicks, may sit and give Sentence in Parochial Sessions and Presbyteries, in Ecclesiastical Affairs of the highest nature even to Excommunication: and in the General Assembly in Questions, *de Fide, Cultu & Disciplina*, of Faith, Worship and Discipline, which Judicatory they hold to be above the Session, Council, or Parliament, whose Acts may be disannulled by the Assembly, and where they have undertaken to determine the most difficult points which they never understood; (*viz.*) Predestination, Universal Grace, Irresistibility of Grace, concurrence of Free-will and Grace, Final falling away and such like: which Power though they usurp to their Assembly, yet they deny to the Bishops.

Secondly, It is observable how this *Covenant* was resented abroad by *Papists* and *Protestants*: by *Papists* with infinite joy, in hopes it might oblige His Majesty and Successors to detest that Religion whose Zealots had been Authors of such an intolerable *Covenant* as was inconsistent with Monarchy. The Priests and Jesuites from *Doway* and other Seminaries, came over in great numbers upon that encouragement, hoping to find favour; insomuch that His Majesty was forced by rigorous proceedings to force them to retire. By the *Protestants* the *Covenant* was received as His Majesties Publick Ministers abroad gave Him an account, with most offensive scandal and grief; for at *Charenton* and other places in *France*, and at *Geneva*, the Ministers and Consistory were afraid this

The *Covenant* pleasing to *Papists*.

Covenant

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The Covenant
of dangerous
consequence
to the Prote-
stant Religion
in the opinion
of Foreign
Protestants.

* Prophetick
and verified
by O. Cromwell.

Covenant would bring an indelible Scandal upon the Reformed Churches, and alienate the minds of all the Princes of *Christendom* from entertaining the *Protestant* Religion. Thus it became Joy and Triumph to our Enemies, Grief and Scandal to our Friends.

Thirdly, It is observable with what fury and outrage the Covenant was obtruded. Those Ministers who out of Conscience and Duty to God and His Majesty refused to Subscribe, or dissuaded their Parishioners from it, were after intreaties and threats could not prevail, beaten, their clothes torn, reproached and injured even to blood, * whose blood certainly will call loudly for vengeance upon the Land.

To quench this fire which raged over the Kingdome; Sir John Hamilton and the Justice-Clerk, a Lord of the Council, and one of the Sessions, were by the Council sent to give His Majesty an account of the Rebellion. After many Consultations with the Council of *England*, and such of the Council of *Scotland* as were then in *England*, the Marquess of Hamilton was appointed Lord High Commissioner of *Scotland*, and Sir John Hamilton sent to give Notice of his coming, and that he had full Instructions from His Majesty to conclude and determine all things relating to the Peace and Settlement of the Kingdome. His Commission under the Great Seal of *Scotland*, which he presented to the Council then sitting at *Dalkeith*, was as follows.

CAROLVS Dei gratia Magnæ Britanniae, Franciæ, & Hiberniæ, Rex, fideique Defensor: Omnibus probis hominibus suis ad quos præsentēs literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos, multiplices regiæ nostræ voluntatis declarationes promulgavimus, quæ tamen minorem spe nostra effectum hæcenus sortitæ sunt: Et nunc statuentes, ex pio erga dictum antiquum regnum nostrum affectum, ut omnia gratiose stabiliantur & instaurentur, quod (per absentiam nostram) non alia ratione commodius effici potest, quam fideli aliquo Delegato constituto, cui potestatem credere possumus tumultus ejusmodi consopendi, aliaque officia præstandi, quæ in bonum & commodum dicti antiqui regni nostri eidem Delegato nostro imperare nobis videbitur: Cumque satis compertum habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei & consilarii Jacobi Marchionis Hamiltonii, Comitis Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemque ad imperata nostra exequenda sufficienter instructum esse: Idcirco fecisse & constituisse, tenoreque præsentium facere & constituere præfatum prædilectum nostrum consanguineum & consiliarium Jacobum Marchionem de Hamiltoun, &c. nostrum Commissionarium ad effectum subscriptum: Cum potestate dicto Jacobo Marchioni de Hamiltoun, &c. dictum regnum nostrum adeundi, ibidemque præfatos tumultus in dicto regno componendi, aliaque officia a nobis eidem committenda in dicti regni nostri bonum & commodum ibi præstandi: Eoque Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac rationem & ordinem in præmissis exequendis servandum declarandi & præscribendi: Et quæcunque alia ad commissionis hujus capita pro commissa ipsi fide exequenda, eandemque ad absolutum finem perducendam & prosequendam conferre possunt tam in Concilio quam extra Concilium nostro nomine efficiendi & præstandi: Idque similiter & adeo libere ac si Nos in sacrosancta nostra persona ibidem adessemus. Et hac præsentī nostra commissione durante nostro beneplacito duratura ac semper & donec eadem per nos expresse inhibeatur. In cujus rei testimonium præsentibus magnum sigillum nostrum apponi præcepimus. Apud castrum nostrum de Windsore vigesimo die mensis Maii

Maii anno Domini mille simo sexcentesimo trigesimo octavo, Et anno regni nostri decimo. quarto.

Per signaturam manu S. D. N. Regis superscriptam.

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This gave some hopes that the distractions of the Kingdom might happily be composed, but those hopes were quickly blasted by the heads of the Covenant, who grew more violent than before: for they multiplied the meetings of their Tables, subdivided them into several Committees, increased their provision of Arms, the Pulpits thundred Peals of Sedition, Fears and Dangers from the Lord Commissioners coming. They drew up ten Articles, which with great diligence were dispersed through the Kingdom. The true Copy whereof follows.

All hopes of reconciliation blasted by the Covenanters.

I. **F**OR observing Union, it is thought fit, that no answer be made to any of the Statesmen or others, having Commission from the King, concerning the publick business, but with common consent and advice according to the Articles of our Covenant against divisive motions; and if any propound motions tending to the breach of our Union; it would be told them plainly, we will repute them as unfriends both to us and our Cause.

II. For the better method in preparing and holding of matters to be treated of, it is thought fit that there be a Committee chosen, and that some of the Gentry, Burrows and Ministers, be present at the meetings with the Noblemen.

III. It is thought fit, that all who are interessed may attend punctually to Dyets and meetings, with the rest of the number appointed for the good of the publick business; and lest our Adversaries should (upon the frequent attending of the prime Noblemen and Statesmen) take occasion to affirm, that they have power to dispose of their friends in this cause, their attendance would be the more shunned, to shew we will depend upon no man who is of an averse judgement, or who are about a contrary employment in the matter of our Covenant and Conscience.

IV. If there be any new Proclamation, it is thought fit that it may be obviat and reincountred with a new Protestation, which would be condescended upon, and would contain our eight last Articles; And that our Protestation may be backed with good information and reasons, and sent with diligence to the Commissioners to the several parts of the Kingdom, that they be not deceived nor surprised with Proclamations or suggestions, and that the copy of the Protestation may be given to the Commissioners of Shires and Burghs, to meet the Proclamation in all points needful.

V. If the discharge of the Book of Service and Canons, and limitation of the High Commission be granted; and that upon the Statesmen and Commissioners offer, the King will grant all we can crave which is not repugnant to Law, and alledge that Episcopal Power and Articles of Pearths Assembly are established by Law; It is answered that the abuses of Episcopal Government are contrary to Law, and censurable by Law, and the Articles of Pearth should be rightly interpreted, and our desires for the free and yearly exercise of General Assemblies, free admission of Ministers without unlawful Oaths, and rectifying of the Articles of Pearths Assembly, and that the Prelates boundless usurped power, limited according to the caveats of their admission, are all agreable to Law for the reasons contained in the Articles: And if the Bishops, Statesmen and others be of a different judgement from the most part of the Church and Kingdom, the General Assembly and Parliament (who were the Law-makers are onely competent Judges for interpreting their own Acts, whose direction we crave: and although the Law were interpreted

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as they alleadge, which is altogether untrue, and contrary to the grounds and meaning of the Law, yet the body of the Kingdom, for whose good the Law was made, may crave the lawful redress of the grievances sustained by that Law, and our complaints, supplications and protestations against the Bishops, depending in process for clearing the Subjects Loyalty, and repairing the wrong complained of, cannot be otherwise lawfully decided, cannot remedy the present evils, nor prevent the like or worse evils in time coming.

VI. It is thought fit that all who have subscribed the Covenant, be made sensible that they are obliged by their Oath, not to rest satisfied with less than the desire of our Articles, which are agreeable to Law, conscience and reason, and without which we will be frustrated of our ends, our adversaries in time will obtain the establishment of the evils we complain of.

VII. It is thought fit, that the number of the Commissioners be doubled, against the Statesmen and Marquess down coming, and that all be warned to be ready upon advertisement.

VIII. That the report of the subscriptions of the Covenant may be sent to Edinburgh from all several parts of the Kingdom.

IX. That things recommended to our former Committee be adverted to, with the best diligence that can be.

X. It is thought expedient that all the time of the general meeting there be a Fast.

While the Marquess was on his way he was informed that the Tables had ordered that none who had subscribed the Covenant should meet or attend him without their leave; so notwithstanding he sent for his Friends, Relations, the Gentlemen of his Name, Vassals and Tenants, he was obliged to endure the Affront of going unattended by them: yet was he honourably received and conducted to *Dalkeith* by all the Council, most of the Lords of the Session, and great Troops of such of the Nobility and Gentry who had not subscribed the Covenant.

The Reasons why the Tables laid this Charge upon the Covenanters were *First*, That they might not seem to shew the least respect to such who were disaffected to the Covenant though of the greatest Quality. *Secondly*, To make tryal of their Powers; for if they were able to prevail with their Accomplices to break the Bonds of Nature, Blood, Civility, and Vassalage, there were no Obligations able to divert their Obedience to the Dictates of the Tables.

At the Commissioners arrival he met with many difficulties and discouragements. His Majesty had sent a small provision of Arms, Two Hundred Musquets, as many Pikes, and some Ammunition for the Castle of *Edinburgh*, these the Covenanters would have seized, but were prevented by the Lord Treasurer, who privately conveyed them to *Dalkeith*: upon which they gave out, that there was a design to blow up the Heads of the Covenanters at *Dalkeith*, should they have gone thither to the Commissioner; an aspersion false even to ridiculousness; but however they did not believe it themselves, they made use of it to exasperate the ignorant and credulous multitude, and to cover their uncivil deportment and resolution of taking no notice of the Lord Commissioner, and addressing no Petitions to him. They had a Design to seize the Castle at *Edinburgh*, but gave it over, and only beset it with strong Guards, that no Person or Provision could pass to or from it without their permission. While they made this outcry about these Arms, two good Ships came to them laden with Arms and Ammunition which they landed openly.

The Difficulties which the Lord Commissioner Hamilton met with.

A design to seize the Castle of *Edinburgh*, turned to a Blockade.

Thus

Thus stood Affairs, the Commissioner not willing to debase Majesty by going to the Tables, and the Tables resolute not to Petition the Lord Commissioner: at last by advice from the Tables, the Citizens of *Edenburgh* supplicated the Lord Commissioner to come to *Haly-rood-house*, where they might shew their affection to His Majesties Service by attending his Directions. He returned Answer, that if they would undertake to be Masters and Governors of the City, suppress the Insurrections, and dismiss the Guards set upon the Castle, he would in a day or two repair thither; all which they undertook to perform, whereupon accordingly he removed from *Dalkeith* to *Haly-rood-house*, attended by the Council, and such of the Nobility and Gentry as were affectionate to His Majesty; about two miles from *Edenburgh* he was met by the whole Body of the Nobility, Gentry and Covenanters then in the City, who came in a distinct body to shew how numerous they were in comparison of the Company they met, and entreated him to receive a Speech from one who had been a silenced Minister; which conceiving it might be of the same leaven with their Sermons, he declined. Thus was he conducted to the Palace with multitudes of both Sexes, whose acclamations were curses and exclamations against Popery and Bishops.

Being settled, he immediately offered two Propositions to their consideration. *First*, What they expected from him in His Majesties Name for Satisfaction of their Complaints, and Redress of their Grievances. *Secondly*, What he might expect from them in renouncing their *Covenant*, and returning to their Obedience. Both were with scorn rejected, and nothing would satisfy but a General Assembly and Parliament, in which Judicatures they would represent and discuss their Grievances, where they knew they should be both Judges and Parties. Nor would they acknowledge they had ever departed from their Obedience: and for the *Covenant* they would as soon renounce their Baptism as that, nor would they ever hear a second Proposition of that nature.

From hence they proceed to irritate the People with new fears, and came to greater insolencies; they clap Guards upon the Castle, turn their Prayers and Sermons into Libels; Print their weak Reasons against their rendring up the *Covenant*; threaten the Commissioner that whoever should read the Liturgy in his Chappel should read no more: which forced him to return to *Dalkeith*. Nay they grew so bold to send Letters to every one of the Council, requiring them to Subscribe the *Covenant*. The tenour of which Letter sent severally but in the same words follows.

May it please your Lordship,

WE the Ministers of the Gospel convened at this so necessary a time, do find our selves bound to represent, as unto all, so in special unto your Lordship, what comfortable experience we have of the wonderful favour of God, upon the renewing of the Confession of Faith and Covenant, what peace and comfort hath filled the hearts of all Gods people, what resolutions and beginnings of reformation of manners are sensibly perceived in all parts of the Kingdom, above any measure that ever we did find or could have expected, how great glory the Lord hath received thereby, and what confidence we have (if this sunshine be not eclipsed by some sinful division or defection) that God shall make this a blessed Kingdom, to the contentment of the Kings Majesty, and joy of all His good Subjects, according as God hath promised in His Good Word

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Two Propositions offered by the Lord Commissioner

They are with scorn rejected.

The People irritated with Fears and Jealousies, Libels and Sermons.

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and performed to His people in former times; And therefore we are forced from our hearts both to wish and entreat your Lordship to be partaker and promoter of this joy and happiness by your subscription, when your Lordship shall think it convenient: And in the mean while, that your Lordship would not be sparing to give a free testimony to the truth, as a timely and necessary expression of your tender affection to the cause of Christ now calling for help at your hands: your Lordships profession of the true Religion as it was reformed in this land, the National Oath of this Kingdom sundry times sworn and subscribed, ablishing us who live at this time, the duty of a good Patriot, the Office and Trust of a Privy Councillor, the present employment to have place amongst those that are first acquainted with His Majesties pleasure, the consideration that there is the time of tryal of your Lordships affection to Religion, the respect which your Lordship hath unto your fame both now and hereafter, when things shall be recorded to posterity, and the remembrance that not only the eyes of men and Angels are upon your Lordships carriage, but also that the Lord Jesus is a secret witness now to observe, and shall be an open Judge hereafter to reward and confess every man before His Father, that confesseth Him before men: All of these and each of them, besides your Lordships personal and particular obligations to God, do call for no less at your Lordships hands, in the cause of so great and singular necessity; and we also do expect so much at this time, according as your Lordship at the hour of death would be free of the Terrour of God, and be refreshed with the comfortable remembrance of a word spoken in season for Christ Jesus, King of Kings and Lord of Lords.

The Lord Commissioner in the mean time resolved to publish His Majesties Declaration against Popery, &c. which the Tables having notice of, they sent to him, That for His Majesties Honour, his own safety, and the publick Peace he would forbear, because it would certainly be met with a Protestation which would displease him and render the Declaration unserviceable to His Majesty: upon which the Lord Commissioner writes to His Majesty desiring that if it were His positive pleasure to publish that Declaration, He would sweeten it by returning the Council, Sessions and Courts of Judicature to *Edenburgh*; and that he would permit him to come to *England* to communicate some things to His Majesty not to be expressed in Letters, and to receive Instructions how further to demean himself. To the first of which His Majesty condescended, for which He received this Letter of Thanks from the Council.

Most Sacred Sovereign,

THE Marquess of Hamiltoun, your Majesties Commissioner, having imparted unto us your Majesties gracious pleasure and allowance that the Judicatories of the Council, of Session, and others, should be returned to the City of *Edenburgh*; Thereupon, the Lord Commissioner being present, Order was given for publication at the Market Cross of *Edenburgh* with all solemnities requisite; and that the like publication should be made throughout the whole Kingdom at all publick places: This hath given so great contentment to all your Majesties Subjects, that we cannot express with what dutiful respect and hearty prayers for your Majesty they have embraced this great and undeserved favour: In consideration whereof we conceive our selves bound in duty to acquaint your Majesty herewith; and withal to render to your Majesty most humble and hearty Thanks for this so great grace and goodness, which we hope shall

shall contribute to the good of your Majesties Service, and to establishing the Peace of the Country, for the which we all your Majesties good Subjects shall ever be most Thankful, and all in duty bound to Pray for your Majesties long and happy Reign.

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Haly-rood-house, July 2. 1638.

Subscritur

Traquaire	Lauderdale
Roxbrugh	Kinoul
Mar	Southesk
Morton	Lorne
Winton	Naper
Lithgow	Dalyell
Wigtonne	Ihay
Kingorne	Ja. Carmithaell
Hadinton	Thomas Hop
	John Hamilton

The *Covenanters* presently cast about to prevent the Good this Act of Grace might do; and to raise new disturbances they told their Party that Sir Robert Spotswood, and Sir John Hay, * Clerk of Register were sworn Enemies to the *Covenant*: whereupon some were sent from them to the Lord Commissioner to inform him, that they could prove those two Judges guilty of Bribery and Corruption, desiring they might be removed. To which he modestly Answered, That it was against all Equity and Justice to punish any person before Legal Conviction, assuring them, if by due Course of Law they could prove them Criminal, His Majesty would be ready and willing to punish Corruption in any of His Judges with the utmost severity: They Answered, that this denial would occasion a Protestation against all Acts, Decrees or Orders of the Session where these two Lords gave their voices, and the people would refuse to obey them; to which he only added, That such Protestation must be made before the Lords of the Sessions, who were the only competent Judges whether it should be admitted or rejected. From hence they took occasion to tell their Party, that no Justice was to be expected from those who were Enemies to them and the *Covenant*. Notwithstanding they never proceeded to any information against the said Lords, though assured that His Majesty would not only give them leave, but thanks to do it; but their Design was not against the Persons so much as to render His Majesties Act of Grace in returning the Judicatures to *Edenburgh* ineffectual to reclaim His Subjects to their Obedience.

*Master of the Rolls in England.

At the Day appointed the Session fate down, and the Lord Commissioner opened it with a short Speech to this purpose. That he was warranted by His Majesty to recal the Sessions to *Edenburgh*; that the chief thing that had moved His Majesty thereunto was the fence of the many incommodities which His Subjects in general, and the Judges in particular, did sustain by the removal of it. That His Majesty had required him to desire and command the Judges to grant all reasonable dispatch to His Subjects in the administration of Justice, that so some time which was lost might be regained; That in His Majesties Name he required them to be very careful and circumspect, that in these troublesome times no Order or Decree might pass from them, which might be to the prejudice of His Crown or Service.

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The Session thus settled, the Lord Commissioner resolved upon reading His Majesties Proclamation, but was for several days obliged to defer it by reason of the multitudes of People who ranged themselves in Arms in the Streets, giving out that the Declaration if believed would ruin Religion, their Laws and Liberties, though they knew not one word contained in it; but at length upon notice of a little more quietness, it was with the usual Solemnity read at the Market Cross.

The Proclamation was thus.

CHARLES by the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith. To our Lovits

Heraulds

Messengers, Our Sheriffs in that part, conjunctly and severally specially constitute greeting. Forsameikle as We are not ignorant of the great disorders, which have happened of late within this Our ancient Kingdom of Scotland, occasioned as is pretended, upon the introduction of the Service-Book, Book of Canons, and High Commission, thereby fearing innovation of Religion and Laws. For satisfaction of which fears, We well hoped that the two Proclamations of the eleventh of December, and nineteenth of February, had been abundantly sufficient: Nevertheless, finding that disorders have daily so increased, that a powerful rather than persuasive way, might have been justly expected from us: Tet We out of Our innative indulgence to Our People, grieving to see them run themselves so headlong into ruin, are graciously pleased to try, if by a fair way We can reclaim them from their faults, rather than to let them perish in the same. And therefore once for all We have thought fit to declare, and hereby to assure all Our good people, that We neither were, are, nor by the Grace of God ever shall be stained with Popish Superstition: But by the contrary, are resolved to maintain the true Protestant Christian Religion already profest within this Our ancient Kingdom. And for farther clearing of scruples, We do hereby assure all men, that We will neither now nor hereafter press the practice of the foresaid Canons and Service-Book, nor any thing of that nature, but in such a fair and legal way, as shall satisfie all Our loving Subjects, that We neither intend innovation in Religion or Laws. And to this effect have given order to discharge all Acts of Council made thereanent. And for the High Commission, We shall so rectifie it with the help of Advice of Our Privy Council, that it shall never impugne the Laws, nor be a just grievance to Our Loyal Subjects. And what is farder fitting to be agitate in general Assemblies and Parliament, for the good and peace of the Kirk, and peaceable government of the same, in establishing of the Religion presently profest, shall likewise be taken into Our Royal consideration, in a free Assembly and Parliament, which shall be indicted and called wth Our best conveniency. And We hereby take God to witnes, that Our true meaning and intention is, not to admit of any innovations either in Religion or Laws, but carefully to maintain the Purity of Religion already profest and established, and no ways to suffer Our Laws to be infringed. And although We cannot be ignorant, that there may be some disaffected persons who will strive to possess the hearts of Our good Subjects, that this Our gracious Declaration is not to be regarded; Tet We do expect that the behaviour of all Our good and Loyal Subjects will be such, as may give testimony of their obedience, and how sensible they are of Our Grace and Favour, that thus passeth over their misdemeanours, and by their future carriage make appear,
that

that it was only fear of innovation, that hath caused the disorders which have happened of late within this Our ancient Kingdom. And are confident, that they will not suffer themselves to be seduced and misled, to misconstrue Us or Our Actions, but rest heartily satisfied with Our pious and real intentions, for maintenance of the true Religion and Laws of this Kingdom. Wherefore We require and heartily wish all Our good People carefully to advert to these dangerous suggestions, and not to permit themselves blindly under pretext of Religion, to be led in disobedience, and draw on infinitely, to Our grief, their own ruin, which We have, and still shall strive to save them from, so long as We see not Royal Authority shaken off. And most unwillingly shall make use of that power which God hath endued Us with, for reclaiming of disobedient people.

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OUR Will is herefore, and We charge you straightly and command, that incontinent these Our Letters seen, you pass to the Market Cross of our Burgh of Edinburgh, and all other places needful, and there by open Proclamation make publication hereof to all and sundry Our good Subjects, where through none pretend ignorance of the same. The which to do, We commit to you conjunctly and severally Our full power, by these Our Letters, delivering the same by you duly execute and endorsed again to the Bearer.

Given at Our Court of Greenwich the twenty eighth day of June, and of Our Reign the thirteenth year. 1638.

Per Regem.

Upon the Sound of the Trumpets a vast conflux of People ran together, a Scaffold was presently erected for the Covenanters, and so soon as the Proclamation was ended, the ensuing Protestation against it was begun and publickly read. The Tenure according to their Printed Copy, was thus.

The Protestation of the Noblemen, Barons, Gentlemen, Burrows, Ministers and Commons, &c.

WE Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons, That whereas we the King's Majesties true and loyal Subjects, who have ever esteemed it our greatest happiness to live under a Religious and Righteous King, and our greatest glory to testifie our best affections to our Gracious Sovereign, have been in His Majesties absence from this His native Kingdom heavily pressed for a long time past, And especially of late, with divers innovations, which both in themselves, and in the way wherein they have been urged, do manifestly tend to the prejudice of the Kings Honour, and of our Religion, Laws and Liberties, And by which we were brought to such extremity, that there was no way left betwixt the Rock of Excommunication, and the high pain of Rebellion on the one part, and the desperate danger of forsaking the way of true Religion and the breach of our Covenant with God on the other, but to represent our cause, and present our supplications to the Lords of secret Council, that being equally pondered by them, they might either be Answered by themselves, or by their recommendation might ascend to His Majesties own consideration: And therefore in all humble manner we did to this effect supplicate their Lordships: we were most willing (for the most following of our supplications) to obey their directions in
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‘ chusing Commissioners for the great number of supplicants, who flocked
 ‘ together from all quarters of the Kingdom; were careful to order our
 ‘ selves in all Christian and quiet carriage, and against the tediousness of
 ‘ many and long delays, did wait for a long time with very great pati-
 ‘ ence, till at last they were pleased to receive our supplications, complaints
 ‘ and bills: And conceiving them to contain weightier matters than could
 ‘ by themselves be determined, they did promise and undertake to repre-
 ‘ sent and recommend the same, according to their more than ordinary im-
 ‘ portance, unto His Majesties Royal consideration, and to report His
 ‘ Majesties Answer.

‘ While His Majesties good Subjects of all ranks throughout the whole
 ‘ Kingdom, had their minds awakened, and their hearts filled with the
 ‘ expectation of a gracious and satisfactory Answer, worthy of His Ma-
 ‘ jesties pious and equitable disposition, in the month of *February* last, in-
 ‘ continent a rumor flyeth through the Countrey, and filleth all ears,
 ‘ That the Lords of His Majesties secret Council were commanded to
 ‘ make such a Proclamation concerning the Service-Book, Book of Ca-
 ‘ nons, and the peaceable meetings of His Majesties good Subjects in time
 ‘ coming, as we were persuaded to have been procured by the secret
 ‘ working, and malignant mis-information of our adversaries, seeking for
 ‘ their own private ends, without respect to His Majesties Honour, and
 ‘ Welfare of this Kirk and Kingdom, to stop the course of our legal pro-
 ‘ ceedings, and to escape their own due censure: And therefore intending
 ‘ to make known to the Lords of Secret Council what was noised con-
 ‘ cerning the Proclamation; how far the whole Kingdome had been by
 ‘ some sinistrous mis-information frustrate of their hopes, and their con-
 ‘ stant desire to have some course taken by their Lordships advice; how
 ‘ His Majesty being further informed, might deliver His good Subjects
 ‘ from so great grievances and fears, and establish a sure Peace in this
 ‘ Countrey for time to come; we found our selves tyed by order of Law
 ‘ to decline those against whom we had made our complaint, unless we
 ‘ would admit our parties to be our Judges: And in case our Declinator
 ‘ should not be accepted, we behoved to protest, that we might have im-
 ‘ mediate recourse to the King Himself, &c.

‘ Thereafter in the Month of *March*, finding that by the foresaid Procla-
 ‘ mation the innovations supplicated against were approved, our lawful
 ‘ proceedings condemned, our most necessary meetings prohibited, there
 ‘ being no other way left unto us, we were necessitate to renew the Na-
 ‘ tional Covenant of this Kirk and Kingdom, thereby to reconcile us to
 ‘ God, provoked to wrath against us, by the breach of his Covenant within
 ‘ this Land, to clear our Sovereigns mind from all jealousies and suspici-
 ‘ ons, arising from our Adversaries mis-information of our intentions and
 ‘ carriage; and so to make way for His acceptance of our humble sup-
 ‘ plications, and grant of their lawful remedies, to guard this Land in de-
 ‘ fence of Religion, Authority and Liberty against inward divisions, and
 ‘ external violences. And that our actions might be answerable to our
 ‘ holy profession, we afterward drew up an humble supplication, contain-
 ‘ ing our grievances, and desires of the ordinary remedies thereof, to have
 ‘ been delivered to the King himself: In the mean time we were directed
 ‘ by those who were entrusted by His Majesty, to attend His Declaration
 ‘ here in *Scotland*, which would free us of all fears of innovations of Reli-
 ‘ gion, and prove satisfactory: and lest for want of true information of our
 ‘ just grievances and desires it should fall out otherwise, we expressed to
 ‘ them,

‘ them, with the greatest modesty we could, our desires in some few Ar-
 ‘ ticles, and with great patience have attended His Majesties pleasure there-
 ‘ anent: and all this month by-gone being frequently conveyened to hear
 ‘ the same delivered by His Majesties Commissioner, the Right Noble and
 ‘ Potent Lord *James* Marquess of *Hamiltoun*, &c. we presented a new Pe-
 ‘ tition to his Grace as His Majesties Commissioner, craving most humbly
 ‘ the indiction of a free Assembly and Parliament, as the only remedies
 ‘ thereof: Likeas finding a mis-information or mistake of our *Covenant* with
 ‘ God, as if it had been an unlawful combination to be the main hinder-
 ‘ ance of obtaining our desires, in a new supplication we have fully re-
 ‘ moved that impediment, renewed our desires of those supream judica-
 ‘ tories, to be indicted with diligence, for settling of the Kirk and King-
 ‘ dom: But being answered only with delays after these nine months atten-
 ‘ dance, and with this Proclamation that contained His Majesties Gracious
 ‘ Declaration of His Pious Intentions, not to admit of any innovations in
 ‘ Religion or Law, nor any stain of *Popish* Superstition, But on the con-
 ‘ trary to be resolved to maintain the true Christian Religion professed
 ‘ in this Kingdom; which we were ever so far from calling in question, as
 ‘ in our supplications, complaints and bills, we used the same as one cause
 ‘ of our desires, one ground of our confidence of a Gracious Answer, and
 ‘ argument of our Adversaries malignant mis-information of so Religious
 ‘ a King: And now most humbly (with bended knees and bowed hearts)
 ‘ thank our Gracious Sovereign for the same, wishing and praying the
 ‘ Lord of Heaven truly and fully to inform His Majesty how far these
 ‘ Books, Judicatories, and all our other Evils and Grievances, are full of Ido-
 ‘ latrous Superstitions and *Popish* Errors, How destructive of the reforma-
 ‘ tion of Religion in this Land, and of the Laws and Liberties of this
 ‘ Church and Kingdom, and so directly contrary to this His Majesties
 ‘ Pious Intention and Declaration.

‘ Yet seeing that no Proclamation could sufficiently remove the pre-
 ‘ sent Evils, nor settle our Fears, nor secure us from the re-entry of any
 ‘ Evil or Innovation, which it seemed to discharge, or prevent the like in
 ‘ time coming, nor satisfy our humble supplications, craving the present
 ‘ indiction of a free Assembly and Parliament, as the onely remedies of
 ‘ our Evils, and means to prevent the like: and seeing this Proclamation
 ‘ doth not so much as make mention, or acknowledge any of our suppli-
 ‘ cations, complaints and grievances, or any just cause thereof, except un-
 ‘ der the name of great increase of disorders, faults and misdemeanours,
 ‘ but only our fears of some future Innovation of Religion or Laws, occa-
 ‘ sioned only (as is pretended) by the introduction of the Service-Book,
 ‘ Book of Canons, and High Commission; which fears His Majesty
 ‘ hoped to have been abundantly and sufficiently satisfied by his two
 ‘ former Proclamations of the ninth of *December*, and nineteenth of *Febru-*
 ‘ *ary*: And by this His present Declaration, except His Subjects be blindly
 ‘ (under pretext of Religion) led unto disobedience, doth mis-ken, pais
 ‘ over, and so in effect deny all our supplications, bills, Articles and desires,
 ‘ especially our complaints against the Prelates our parties. And, that once
 ‘ for all, in a fair and persuasive way, even after the resait of our last
 ‘ supplication, clearing us from the calumny of unlawful combination;
 ‘ doth not disallow nor discharge any of the innovations and evils com-
 ‘ plained upon, but only assureth that His Majesty will not press their
 ‘ practice, but in such a fair and legal way, as shall satisfy His Subjects
 ‘ of His intention; which (joynd with the other clause, allowing and
 ‘ confirming

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confirming the Proclamation the nineteenth of *February*) evidenceth the liberty left to any Prelate or Persons to practise the same, and by all other fair ways to perswade others thereunto; and His Majesties resolution to press their practice in a fair and legal way: and also confirmeth the former Declaration, That the Service-Book is a ready mean to maintain the true Religion already professed, and to beat out all Superstition; and no ways to be contrary to the Laws of this Kingdom, but to be compiled and approved for the universal use and edification of all His Majesties Subjects; doth not abolish, but promiseth to rectifie the High Commission, with advice of His Privy Council, implying the Kings Power, with consent of the Council, to establish this or any Judicatory within this Kingdom, without consent of the three Estates convened in Parliament, contrary to the fundamental and expresse Laws thereof; and by consequent with the like reason, to establish Laws and Service-Books, without consent of the Assembly and Parliament; which is contrary to the main ground of all our supplications, against the manner of their introduction; doth only promise to take into His consideration in an Assembly and Parliament, which shall be called at his best convenience, while as the evident and urgent necessity for settling the combustions threatening the total dissolution and desolation of this Church and State, excuseth our uncessant and importune calling for these present remedies; Doth insinuate the continuance and execution of any pretended Laws for these innovations of Worship, and corruptions of Church-Government, and civil places of Church-men, which by our *Covenant* we have obliged our selves to forbear; and the re-establishment of these evils in an Assembly and Parliament, which he will call in his best convenience, to wit, for that and this other end of satisfying His Subjects judgments anent the Service-Book and Book of Canons; Doth condemn all our former proceedings, even our supplicating, complaining, protesting, subscribing of our *Covenant* together, and our continual meetings, as great disorders, increase of disorders, deserving justly a powerful rather than a perswasive way, a running headlong into ruin, a perishing in our faults, a blind disobedience under pretext of Religion, and doth threaten and denounce, *Now once for all*, If we be not heartily satisfied, and give testimony of our obedience after this Declaration, but continue as by our former proceedings, to draw on our own ruin, that, albeit unwillingly, he must make use of that power which God hath indued Him with, for reclaiming of so disobedient People.

T Herefore we, in our own name, and in name of all who will adhere *The Confession of Faith*, and reformation of Religion within this Land, are forced and compelled, out of our bound duty to God, our King, Native Countrey, our Selves and our Posterity, (lest our silence should be prejudicial to so important a Cause, as concerns Gods Glory and Worship, our Religion and Salvation, the Laws and Liberties of this Church and Kingdom, or derogatory to our former Supplications, Complaints, Protestations, Articles and Proceedings, or unanswerable to the Oath of our Nation Covenant with God) to declare before God and man, and to protest,

Primo, That we do, and will constantly adhere, according to our vocation and power, to the said Reformation in Doctrine, Use of Sacraments and Discipline; And that notwithstanding of any Innovations introduced therein, either of old or of late.

Secondly,

‘*Secundo*, We Protest, that we adhere to the grievances, supplications and protestations, given in at Assemblies and Parliaments, and to our late supplications, complaints, protestations, and other lawful proceedings against the same, and particularly against the Service-Book, and Book of Canons, as main innovations of Religion and Laws, and full of Popish Superstition, and so directly contrary to the Kings Declaration, and against the High Commission, as a Judicatory established contrary to the Laws and Liberties of this Church and Kingdom, and destructive of other lawful Judicatories, which both in respect of the nature of it, and manner of introduction, without consent of the three Estates of Parliament, cannot be any ways rectified, but absolutely discharged.

‘*Tertio*, We Protest, that we adhere with our hearts to our Oath and Subscription of the Confession of Faith, the Solemn Covenant between God, this Church and Kingdom, and the clauses particularly therein expressed and generally contained, and to our last Articles for the peace of this Kirk and Kingdom, drawn out of it, and to all the matters therein contained, and manner of remedy therein desired.

‘*Quarto*, We Protest, that this Proclamation or Act of Connail, or any other Act, or Proclamation, or Declaration, or Ratification thereof, by Subscription, or Act, or Letter, or any other manner of way whatsoever, or any precondemnation of our cause or carriage, before the same be lawfully heard and tryed in the supreme judicatories of this Kirk and Kingdom, the only proper Judges to National Causes and Proceedings, or any certification or threatening therein denounced, shall no ways be prejudicial to the Confession of Faith, Laws and Liberties of this Kingdom, nor to our supplications, complaints, protestations, articles, lawfull meetings, proceedings, pursuits, mutual defences, nor to our persons and estates, and shall no ways be disgraceful either in reality or opinion, at home or abroad, to us or any of us : But on the contrary, that any act, or letter, or subscription of the Council, carrying the approbation of the declaration, and condemnation of our proceedings, *indicta causa*, is and ought to be repute and esteemed unjust, illegal and null, as here before God and man we offer to clear, and to verifie both the justice of our cause and carriage, and the injustice of such acts against us, in the face of the first general Assembly of the Church and Parliament of the Estates, unto whom with all solemnities requisite, we do publickly appeal.

‘*Quinto*, We Protest, that seeing our former supplications, last articles, and our last desire and petition to His Majesties Commissioner, which petitioned for the present indictment of a free general Assembly and Parliament, according to the Law and Custom of all Nations, and of this Nation in the like case, to hear the desires, ease the grievances, and settle the fears of the body of the Church and Kingdom, are thus delayed, and in effect refused, to wit, *Once for all*, till His Majesties conveniency for the end contained in this Proclamation, that we continue by thir presents to supplicate His Majesty again and again, for the granting of the same : and whatsoever trouble or inconvenience fall out in this land in the mean time, for want of these ordinary remedies, and by the practice of any of these innovations and evils, contrary to our supplications, articles and confession, it be not imputed unto us, who most humbly beg these lawful remedies, but also that it is, and shall be lawful unto us, to defend and maintain the Religion, Laws and Liberties of this Kingdom, the King's Authority in defence thereof, and every one

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‘ of us one another in that cause, of maintaining the Religion, and the
 ‘ Kings foresaid Authority, according to our power, vocation and Cove-
 ‘ nant, with our best counsel, bodies, lives, means, and whole strength,
 ‘ against all persons whatsoever, and against all external or internal invasi-
 ‘ ons menaced in this Proclamation. Like as that in the great exigency
 ‘ of the Church, necessitating the use of this ordinary and lawful remedies
 ‘ for settling the commotions thereof, it is and shall be leasome unto us
 ‘ to appoint, hold and use the ordinary means, our lawful meetings and
 ‘ assemblies of the Church agreeable to the Law of God, and practice of
 ‘ the primitive Church, the Acts of the general Assemblies, and Parlia-
 ‘ ments, and the Example of our Worthy Reformers in the like Case.

‘ *Sexto*, We Protest, that our former Supplications, Complaints, Pro-
 ‘ testations, Confessions, Meetings, Proceedings and mutual Defences of
 ‘ every one another in this Cause, as they are, and were in themselves
 ‘ most necessary, and orderly means agreeable to the Laws and Practice
 ‘ of this Church and Kingdom, to be commended as real duties of
 ‘ faithful Christians, Loyal Subjects, and sensible members of the body of
 ‘ the Church and Kingdom, and no wise to be stiled nor accounted great
 ‘ disorders, misdemeanours, blind disobedience under pretext of Religion,
 ‘ and running headlong into ruin, &c. So they proceeded only from consci-
 ‘ ence of our duty to God, our King, Native Countrey, and our posterity,
 ‘ and doth tend to no other end, but to the preservation of the true Re-
 ‘ formed Religion, the Confession of Faith, Laws, and Liberties of this
 ‘ His Majesties most ancient Kingdom, and of His Majesties Authority in
 ‘ defence thereof, and satisfaction of our humble desires, contained in our
 ‘ supplications, complaints and articles, unto the which we adhere again
 ‘ and again, as we would eschew the Curse of the Almighty God, fol-
 ‘ lowing the breach of His Covenant: and yet we do certainly expect,
 ‘ according to the King’s Majesties accustomed Goodness and Justice, that
 ‘ His Sacred Majesty after a true information of the justice of our Cause
 ‘ and carriage, will presently indict these ordinary remedies of a free As-
 ‘ sembly, and Parliament, to our just supplications, complaints and articles,
 ‘ which may be expected, and useth to be granted from so just and gracious
 ‘ a King, towards most Loyal and Dutiful Subjects, calling for redress of
 ‘ so pressing grievances, and praying heartily that His Majesty may long
 ‘ and prosperously Reign over us.

‘ **W** Hereupon a Noble Earl *John* Earl of *Cassels*, &c. in Name of the
 ‘ Noblemen, *M. Alexander Gibson*, younger of *Dury* in name of
 ‘ the Barons, *James Fletcher* Provost of *Dundy* in Name of the Burrows,
 ‘ *M. John Ker* Minister at *Salt-prestoun*, in name of the Ministers, and
 ‘ *M. Archbald Johnston*, Reader hereof, in name of all who adheres to the
 ‘ Confession of Faith and Covenant lately renewed within this Kingdom,
 ‘ took Instruments in the hands of three Notars present, at the said Mercat
 ‘ Cross of *Edenburgh*, being environed with great numbers of the foresaid
 ‘ Noblemen, Barons, Gentlemen, Burrows, Ministers and Commons, before
 ‘ many hundred witnesses, and craved the Extract thereof: and in token
 ‘ of their dutiful respect to His Majesty, confidence of the Equity of their
 ‘ Cause, and innocency of their carriage, and hope of His Majesties gra-
 ‘ cious acceptance, they offered in all humility, with submiss reverence, a
 ‘ Copy thereof to the Herauld.

In this Protestation, besides the repetitions there is nothing but a number of falsities. For whereas they say they had removed all impediments which caused their Covenant to be mistaken for an unlawful Combination, that Explication was so far from satisfactory, that refusing to except His Majesty out of the number of those persons against whom their Band was intended, made their Combination appear chiefly levelled at His Person and Authority. They profess not to doubt His Majesties sincerity in Religion, and yet both in publick and private meetings and Sermons they suggest the contrary to the People. They end with two peremptory Resolutions, That if His Majesty will not allow of their proceedings they will call a General Assembly which will. Hypocrisie and Disloyalty in a breath, pretending to sue for what, they say, they may and will do by their own Authority. Secondly, They affirm that notwithstanding all His Majesty can do or say to the contrary, their proceedings are necessary, orderly, legal, commendable, and the Duty of good Christians and Loyal Subjects; that they ought not be styled disorders, misdemeanors, blind obedience. and running headlong into ruin, only to make an unmannerly contradiction to the words of His Majesties Proclamation.

The Lord Commissioner not being able to persuade them to except the King in their Covenant of mutual defence, resolved upon a journey to *England*, to give His Majesty an account of their Explication of their *Covenant*, and to receive further Instructions. He intreated them to demean themselves peaceably till His Majesties Pleasure could be known. The Explication of their *Covenant* was by way of Petition, as follows.

The Lord Commissioner resolves upon a journey to *England*.

To His Majesties Commissioner: The Supplication of the Noblemen, Barons, Burgesses, Ministers and Commons, here attending His Majesties Gracious Answer of our former Petitions, Complaints and Desires.

Humbly Shewing,

That whereas we expecting from your Grace, as His Majesties Commissioner, a Gracious Answer of our former Supplications, Complaints and just Desires, have presented to your Grace a Petition, humbly craving a free general Assembly and Parliament, as the ordinary remedy of our grievances, and the onely mean to put this Kirk and Kingdom to quietness, It pleased your Grace to shew, that His Majesty, from His Princely Care of this Kirk and Kingdom, would be most willing to indict a free general Assembly, and call a Parliament for those good Ends, but that your Grace, as His Majesties Commissioner, hath conceived the Confession of Faith, and Covenant lately renewed by us His Majesties Subjects, to be an unlawful Combination against Authority, thereby to cast off our dutiful Obedience; and not a Covenant for maintaining of true Religion, of His Majesties Person and Authority, and of the Laws and Liberties of the Kingdom. And we being most willing to remove that, as the main hinderance of the obtaining of our desires; therefore, and for clearing of our Loyalty, and vindicating our selves from so great an imputation, We do now in all humility remonstrate to your Grace, as His Majesties Commissioner, and declare before God and men, that we are heartily grieved and sorry, that any good man, but most of all that our dread Sovereign should so conceive of our doing; and that we were, and still are so far from any thought of withdrawing our selves from our Dutiful Subjection, and Obedi-

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ence to His Majesties Government, which by the descent, and under the Reign of one hundred and seven Kings, is most chearfully acknowledged by us and our predecessors; that we never had nor have any intention or desire to attempt any thing that may turn to the dishonour of God, or diminution of the King's Greatness and Authority. But on the contrary, we acknowledge our quietness, stability and happiness to depend upon the safety of the Kings Majesty, as upon Gods Vicegerent set over us for maintenance of Religion, and ministration of Justice, have solemnly sworn, not only our mutual concurrence and assistance for the Cause of Religion, but also to the uttermost of our power, with our means and lives, to stand to the defence of our dread Sovereign the Kings Majesty, His Person and Authority, in the preservation and defence of the true Religion, Liberties and Laws of the Kingdom. And therefore we His Majesties Loyal Subjects, free from that and all other imputations of that kind, most humbly beseech your Grace to esteem that our Confession of Faith and Covenant, to have been intended, and to be the largest testimony of our Fidelity to God, and Loyalty to our King: and that hinderance being removed, must still Supplicate that your Grace would be pleased to indict a free general Assembly and Parliament, which will undoubtedly redress all our Evils, settle the Peace of the Kirk and Kingdom, and procure that chearfulness of Obedience which ought to be rendred to His Majesty, carrying with it the Offer of our Fortunes and best Endeavours for His Majesties Honour and Happiness, as a real Testimony of our Thankfulness, and our hearty Prayers to God that His Majesty may long and prosperously Reign over us.

Upon Notice of the Lord Commissioners Journey, the Tables grew hot upon this Question, Whether they should presently indict an Assembly, or allowing a short time for his journey and stay in *England*, attend his return and His Majesties final resolution? The last was with much ado agreed upon with this peremptory Resolve, That if he did not return by the fifth of *August*, and bring such Answer as they expected, they would hold themselves free to prosecute their resolutions.

The Lord
Commissioner
arrives at
Greenwich.

After his arrival at *Greenwich*, having fully informed His Majesty of the state of Affairs, he was with new Instructions quickly dispatched back, impowered to indict both a General Assembly and Parliament. At his return he found all things in a worse case than before, the heads of the Faction had assured their party that they might accomplish their Ends by such means and upon such conditions as themselves desired; that the Lord Commissioner was satisfied with all their proceedings, and especially with the *Covenant*, by which Artifice they both drew many to Subscribe who had stood out; and laboured to strangle all hopes of Reconciliation by endeavouring to raise in His Majesty a distrustful jealousy of the Lord Commissioners Fidelity and Service, that he being recalled the People might be confirmed in the belief that His Majesty intended no relief of their grievances. Every little accident was improved to raise Combustions, the Printing of some Bibles with Historical Pictures was said to be an introduction of Images and Popery.

Propositions
by the Com-
missioner
concerning
the General
Assembly.

The Commissioner proceeded in the Affair of the General Assembly, sending some of the Council with Propositions concerning the Members and matters to be treated of in the Assembly as had been customary, but they were received with contempt.

The

The Articles by him Proposed were these.

I. **T**hat all Ministers deposed or suspended by the Presbyteries since the first of February last, without warrant of the Ordinary, shall be restored to their own Places, till such time as they shall be legally convicted.

II. That all Moderators of Presbyteries, deposed since the foresaid day by the Presbyteries, without warrant of the Ordinary be restored, and all Moderators appointed by the said Presbyteries without warrant foresaid, to desist from executing the Office of Moderator.

III. That all Ministers admitted by the Presbyteries since the foresaid day, without warrant from the Ordinary, shall desist from exercising the function of their Ministry in that place to which they have been so presented and admitted.

IV. That all Parishioners shall frequent their own Churches, and hear their own Minister, and that the Elders assist the Minister in the Session, and other exercises of the Discipline of the Church, as formerly they were used to do.

V. That all Bishops and Ministers, have their Rents and Stipends duly and thankfully paid them.

VI. That all Ministers be appointed presently to repair to their own Churches, that none of them come to the Assembly, or to the place where the same shall be held, but such as shall be chosen Commissioners from the Presbyteries.

VII. That according to the Act of Assembly, 1606. Moderators of Presbyteries being found necessary members of the Assembly, every one of the said Moderators be appointed to be Commissioner from that Presbytery where he is Moderator.

VIII. That Bishops and other Ministers who shall attend the Assembly, may be secured in their persons from all trouble and molestation.

IX. That the Commissioners from Presbyteries, be chosen by the Ministers of that Presbytery only: And that no lay-person whatsoever meddle in the choice; nor no Minister without his own Presbytery.

X. That all Convocations and meetings be dissolved, and that every man repair to his own house, and that the Countrey not onely be made peaceable, but also that all such Acts be forborn as may make it appear to be otherways.

And since His Majesty is still displeased with the Covenant, Wisdom and our Dutiful Obedience to our Sovereign require, that some such course should be taken, whereby His Majesty may receive satisfaction therein; and in the meantime, that there be no pressing, threatning, or persuading of men to Subscribe the Covenant, nor no mention be made thereof any more in Pulpits.

To which they returned these Unreasonable Answers.

Answers to the particulars propounded by His Majesties Commissioner.

Having seriously considered with our selves, that nothing in this world is so precious, and ought to be so dear unto us as our Religion, that the Diseases of the Church after long Toleration did threaten no less than her utter ruin, and the expiring of the Truth of Religion at last, and that a Free General Assembly was the ordinary remedy appointed by Divine Authority, and Blessed by Divine Providence in other Churches, and after a special manner in the Church of Scotland; we have often and earnestly supplicated for the same, and have laboured to remove what was objected, or what

The Covenanters Answer to these Proposals.

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or what we could conceive to be any hinderance to the obtaining of our desire, lik as we have now for the same good end resolved to return this Answer to the particulars propounded, to be performed by us before any Assembly be indicted.

The Particulars propounded, are either concerning matters Ecclesiastical or Civil; Ecclesiastical or Church matters are,

The First, Concerning Ministers deposed or suspended by the Presbyteries since the first of February last, without warrant of the Ordinary, that they be restored to their own places,

The Second, Concerning Moderators of Presbyteries deposed since the foresaid day to be restored, and all Moderators appointed by the said Presbyteries without warrant aforesaid, to desist from executing the Office of Moderator.

The Third, Concerning Ministers admitted since the foresaid day, that they desist from exercising the function of the Ministry in that place to which they have been admitted.

These three Particulars do concern the Power, Duty, and particular Facts or Faults of Presbyteries, wherein we have no power to judge or determine, whether they have proceeded lawfully or not, far less can we urge or command them to recal what they have determined or done, in the suspending, deposing, or admitting of Ministers, or Moderators; they being properly subject to the Superior Assemblies of the Church; and in this case and condition of the Church, to the General Assembly, where, if they shall not after Tryal justifie their proceedings from the good warrants of Scripture, Reason, and the Acts and Practices of the Church, they ought to sustain their own deserved Censure.

And since on the one side there be many Complaints against the Prelates for their usurpation over Presbyteries in the like particulars; and on the other side, there be such complaints of the doings and disorders of the Presbyteries to the offence of the Prelates; we trust that His Majesties Commissioner will not esteem this to be any hinderance of the indiction of a General Assembly, but rather a powerful and principal motive with speed to convene the same, as the proper Judicatory wherein to determine such dangerous and universal differences of the Church. Neither do we hear that any Ministers are deposed but only suspended during this Interim till a General Assembly, for their Erroneous Doctrine and flagitious Life; So that it were most* offensive to God, disgraceful to Religion, and scandalous to the People, to restore them to their places till they be Tryed and Censured. And concerning Moderators, none of them (as we understand) are deposed, but some only changed, which is very ordinary in this Church.

The Fourth, Concerning the repairing of Parishioners to their own Church, and that Elders assist the Ministers in the Discipline of the Church, ought to be cognosced and judged by the particular Presbyteries, to which the Parishioners and Elders are subject, since the cause may be in the ministers no less than in the Parishioners and Elders. And in case they find no redress there, to assent till they come to a General Assembly, the want whereof maketh disorders to be multiplied, both in Presbyteries and particular Parishes.

To the Sixth, That Ministers wait upon their own Churches, and that none of them come to the Assembly, or place where the same is kept, but such as shall be chosen Commissioners from Presbyteries, we Answer, That none are to come to the place of the Assembly, * but such as are either allowed by Commission to have voice, or otherwise have such interest as they can justifie to His Majesties Commissioner, and the Assembly convened.

* Is it not rather an offence to God, to thrust men out of their places before they be tryed?

* And yet afterward, in their last instructions they enjoined the several Commissioners to bring Assessors with them, who were to have no voice in the Assembly.

To

To the Seventh, Concerning the appointing of Moderators of Presbyteries to be Commissioners to the General Assembly, only constant Moderators, who have ceased long since, were found in the Assembly, 1606. (which yet was never reputed by the Church to be a lawful National Assembly) to be necessary members of the General Assembly. And if both the Moderators, who if they be necessary members need not to be chosen, and the chosen Commissioners repair to the Assembly, the Assembly it self can judge best of the members whereof it ought to consist.

To the Ninth, That no Lay-person whatsoever meddle with the choosing of Commissioners from the Presbyteries, and no Minister without his own Presbytery, we say, That according to the Order of our Church-Discipline, none but Ministers and Elders of Churches ought to have voice in choosing Commissioners from Presbyteries, and that no Minister or Elder should have voice in Election, but in his own Presbytery. The rest of the particulars are concerning Civil matters: As,

The Fifth, Concerning the paying of Rents and Stipends to Ministers and Bishops, concerning which we can say no further, but that the Laws are patent for them, as for His Majesties other Subjects, and that the General Assembly ought not to be delayed upon any complaint in that kind.

The Eighth, Requiring that Bishops and Ministers be secured in their persons, we think so reasonable, that we will promise every one of us for our own parts, they shall suffer no violence from us, and that we shall hinder others so far as we may; and if any trouble them otherwise, or make them any kind of molestation in that attendance but by Order of Law, the Parties are justly punishable according to the degree of their fault as other Subjects are.

To the Tenth, Concerning the dissolving of all Convocations and meetings, and the peaceableness of the Countrey; These meetings being kept for no other end, but for consulting about lawful remedies against such pressing grievances as threaten the desolation of this Church and State, cannot be dissolved till the Evils be removed. And* we trust, that nothing in these our meetings hath escaped us, which carrieth in it the smallest appearance of undutifulness, or which may seem to tend to the breach of the common peace: But although our Adversaries have herein calumniated us, yet we have always so behaved our selves as beseemed His Majesties most humble and loyal Subjects, petitioning His Majesty for a legal redress of our just grievances.

To the Last, Concerning the Covenant; the Commissioner his Grace having many times and most instantly pressed us with that point, we did first by * invincible Arguments make manifest, that we could not without sinning against God and our own Consciences, and without doing wrong to this National Church, and all Posterity, rescind or alter the same: And thereafter did at large clear the same of all unlawful Combination against Authority, by our last Supplication and Declaration, which His Majesties Commissioner † accepted as the most ready and powerful of all other means which could come within the compass of our thought to give His Majesty satisfaction, The Subscription of this our Confession of Faith, and Covenant, being an act so evidently tending to the * Glory of God, the King's Honour, and Happiness of the Kingdom: And having already proved so comfortable to us in the inward of our Hearts, It is our ardent and constant desire, and ready wish, that both His Majesty and all His good Subjects may be partakers of the same Comfort, like as we find our selves bound by Conscience, and by the Covenant it self, to persuade all His Majesties good Subjects to joyn with us for the good of Religion, His Majesties Honour, and the quietness of the Kingdom: which

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* The contrary is most true.

* Our Commissioner never heard any argument to that purpose which could convince a child.

† Our Commissioner never accepted of it, nor conceived it could give satisfaction to any.

* It doth most evidently tend to the dishonour of God.

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being modestly used by us without pressing or threatning of the meanest, we hope shall never give His Majesty the least cause of discontent.

Seeing therefore, according to our power and interest, we are most willing to remove all hinderances, that things may be carried in a peaceable manner, worthy our Profession and Covenant, do aim at nothing but the good of the Kingdom, and preservation of the Church, which by consumption or combustion, is like to be desperately diseased, except remedy some way be speedily provided; And we delight to use no other means but such as are legal, and have been ordinary in this Church since the Reformation: We are confident that without further delay, for preventing of greater evils and miseries than we can express, our just desires shall be granted. So shall we be encouraged in the peace of our Souls still to pray for His Majesty, all increase of true Honour and Happiness.

Upon their refusal the Lord Commissioner acquainted some of the Lords Covenanters, with his Resolution of a new Journey, promising either a speedy return or Answer; desiring they would let him know what they would have, and what was the utmost of their desires. After a warm Debate the Tables let him know their desires were only general, for a Free and General Assembly and Parliament, promising not to indict an Assembly, if his return were by the twenty first of *September*.

But presently they betook themselves to the old Artifice, reporting that the Lord Commissioner had neither power nor intention to give them satisfaction, that he only delayed time; upon which to undeceive the People he contracted the ten Propositions into two, and dispersed many Copies of them through the City, which were these.

I. **I**F the Lords and the rest will undertake for themselves and the rest, that no Laicks shall have voices in choosing the Ministers to be sent from the severall Presbyteries to the General Assembly, nor none else but the Ministers of the same Presbytery:

II. If they will undertake that at the Assembly they shall not go about to determine of things established by Acts of Parliament, otherwise than by Remonstrance or Petition to the Parliament, leaving the determining of things Ecclesiastical to the general Assembly, and things settled by Act of Parliament, to the Parliament:

Then I will presently indict a General Assembly, and Promise upon my Honour, immediately after the Assembly to indict a Parliament, which shall cognosce of all their complaints.

The Leaders were with this so irritated, that they presently gave Order for the Election of Commissioners for the Assembly. Upon which he acquainted the principal Covenanters, that if they proceeded, he would neither go his Journey, nor move His Majesty for a General Assembly, but leave them to their own ways: which resolution he also caused to be divulged among the People. At last it was accorded by the Table as a singular favour to the Lord Commissioner, to defer the Election till his return, if that was by the twenty first of *September*, which ought to be observed, in regard at his return with a most horrid Equivocation they eluded this Promise.

Before his Journey it was seriously debated what methods could be used for Peace: what had hitherto been done proving ineffectual, and in regard the Covenanters would not make known their particular desires,

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it was agreed to extract all their grievances and desires out of their Petitions, Remonstrances, Declarations and Protestations, Printed and Written from the beginning, and present them to His Majesty, and in regard they abused the People with the scandal of His Majesties inclinations to Popery, to obviate that aspersion by renewing the Subscription of the Confession of Faith framed by His Royal Father, which was thought an expedient to satisfy the People and draw them off from their Leaders. All which was humbly represented to His Majesty by the Lord Commissioner. But how far His Majesty was therein deceived the event will shew.

For the Lord Commissioner returning found all embroiled by the Covenanters: and whereas they had promised to defer the Election of Commissioners for the Assembly till the twenty first of September, they gave order it should be done on the twenty second, being assured they could not so soon have his Answer or His Majesties Pleasure; thus eluding their Promise by an equivocation condemned even by many of themselves. And these men who would admit of no Preliminaries concerning the Assembly from the Lord Commissioner, for fear of prejudging the Liberties of Christ and His Church, yet agreed at their Tables upon Eight Articles, which they dispersed throughout the Kingdom to be observed at Elections which were these:

The Covenanters elude their own promise.

A Direction for Presbyteries.

I. **T**hat every Presbytery have a Copy of the Act made at Dundee the seventh of March, 1597. concerning the number of Commissioners; the tenour whereof followeth.

Because there hath been no Order hitherto anent the number of Commissioners to be directed from every Presbytery to the General Assembly, therefore it is Statuted and Ordained, that in all time coming three of the wisest and gravest of the Brethren shall be directed from every Presbytery at the most, as Commissioners to every Assembly, and that none presume to come without Commission: and likewise, that one be directed from every Presbytery in name of the Barons, and one out of every Burgh, except Edinburgh, which shall have Power to direct two Commissioners to the General Assembly.

II. That every Presbytery have a Copy of the Commission to be given to the Commissioners; the tenour thereof follows.

T. T. the day of The which day after calling upon the Name of God, we the members of the Presbytery of having diligently considered the manifold corruptions, innovations and disorders, disturbing our Peace, and tending to the overthrow of our Religion, and Liberties of the Reformed Church within this Realm; which hath come to pass especially through the want of the necessary remedy of General Assemblies, as well ordinary as pro re nata, enjoyed by this Church for many years, and ratified by Act of Parliament, and now expecting shortly by the mercy of God the benefit of a free General Assembly, do by these presents nominate and appoint Minister of as also in name of the Burrows, conjunctly and severally our lawful Commissioners, giving and granting unto them our full Power, Commission, and express Charge, to repair to the said Assembly at the day and place, when and where it shall happen to sit, in any safe and commodious place within this Kingdom, and there with the rest who shall be authorised with lawful Commission, in our name to propone, treat, reason, vote, and conclude, according to the Word of God, and

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Confession of Faith appointed by sundry General Assemblies, and received throughout the whole Kingdom in all Ecclesiastical matters competent to a free General Assembly, and tending to the advancement of the Kingdom of Christ, and the good of Religion, as they will answer to God and His Church thereupon, and to report to us their diligence therein. In testification of this our Commission and Charge, we have subscribed these presents with our hands, and which they have accepted with the lifting up of their hands.

III. That every Church Session send one of the most qualified Elders unto the Presbytery the day of chusing Commissioners to the General Assembly: That by common consent of the Ministers and those Elders present in the Presbytery, there may be chosen both the Commissioners for the Ministers, and also some well affected and qualified Nobleman, or special Gentleman, being an Elder of some particular Church Session within that Presbytery, in name of the Barons: for this is the constitution of the Presbyteries, (otherwise called Elderships) appointed by the Church in the Books of Discipline, Acts of the General Assembly, practised for many years after the Reformation, and ratified in the Parliament, the twelfth of King James the Sixth, and never since altered nor rescinded; neither can be with reason altered, seeing that same is the constitution of the supreme and General Assemblies, and of the inferior and Church Sessions, as is at more length cleared by some Reasons.

IV. That such as are erroneous in Doctrine, or scandalous in life, be presently processsed, that they be not chosen Commissioners; and if they shall happen to be chosen by the greater part, that all the best affected, both Ministers and Elders, protest and come to the Assembly to testifie the same.

V. To send to every Presbytery a Copy of the Printed Reasons for an Assembly.

VI. That Moderators by vertue of their Office be not Commissioners to the Assembly, except they be chosen.

VII. That the Presbyteries in one of the ordinary meetings, appoint to convene solemnly after the twentieth of September, either upon the twenty first, twenty second, twenty third, twenty fourth, or twenty fifth, for chusing of their Commissioners to the Assembly, and for to send them hither to Edinburgh before the first of October, or so soon as they can, that with common consent, they may receive the King's last Answer, and advise upon the next lawful remedies, in their extream necessities of Church and State.

VIII. That in the Fast to be observed on the sixteenth day of September, the second day preceeding their election, they may crave Gods Direction therein.

Thus did they take upon them to prejudice and determine both the members, matter and manner of the Assembly, taking it *pro confesso* that the pretended innovations are Corruptions and Disorders, disturbing the Peace and tending to the overthrow of Religion and Liberties in the Reformed Church of Scotland; appointing Lay-men to sit in Presbyteries, to be able to outvoice the Ministers, and by processsing such Ministers as were Non-Covenanters, for Scandal or Error, to incapacitate them from being Commissioners. The Sixth Article is against the Constitutions of the Church then in force, and the last an order to practise the aforementioned Equivocation.

Notwithstanding these disorders the Lord Commissioner assembled the Council upon the twenty second of September, and there delivered His Majesties Letter which was as followeth.

‘ Apud Haly-rood-house, Septemb. 22. 1638.

‘ The which day *James* Marquess of *Hamiltoun*, His Majesties Com-
‘ missioner, produced and exhibited before the Lords of Privy Council,
‘ the two Missives underwritten, signed by the King's Majesty, and di-
‘ rected to the said Lords, which being read, heard and considered by the
‘ said Lords, They have ordained, and ordains the same to be inserted and
‘ registred in the Books of Secret Council, therein to remain *ad futuram*
‘ *rei memoriam*, whereof the tenour followeth.

CHARLES R.

‘ **R**ight Trusty, &c. Being certainly informed that the distractions
‘ which have happened of late, (both in Church and Common-
‘ wealth) in this Our ancient Kingdom of *Scotland*, have much troubled
‘ the minds of many of Our good and loyal Subjects; and that these di-
‘ stractions have been occasioned upon jealousies and fears of innovation of
‘ Religion and Laws, as tending to the introduction of Popery, and not
‘ without some suspicion as if We Our Self were inclined that way; Upon
‘ occasion whereof, many of Our Subjects have of late subscribed a Band
‘ or Covenant for preserving the true Religion and Laws already established,
‘ and for defending the King's Person, and each others, in defence thereof:
‘ But the same not being warranted by Royal Authority (as that which
‘ was in Our dear Fathers time) must needs of it self be ineffectual, and
‘ much prejudicial to the ancient Form and Custom of Government kept
‘ within that Our Kingdom of *Scotland*: Wherefore We, out of Our inborn
‘ Love to our said Native Country, and for obviating these conceived fears,
‘ and satisfying of you and all Our Loving People, have thought good to
‘ Ordain the Confession of Faith, and Band subjoyned thereto, of the date
‘ at *Edenburgh*, *January*, 28. 1580. and Signed by Our Royal Father to
‘ be renewed: And to that effect have given Order to Our Commissioner,
‘ with Advice of Our Council, to set down and settle some solid course,
‘ whereby the same may be subscribed by Our Council, Judges, Magi-
‘ strates of Burroughs, and all other Our People of that Kingdom. And
‘ for further clearing of Our Self, We Declare, That as we are and ever
‘ have been satisfied in Our Judgment and Conscience for the Reformed
‘ Religion now established, and against the *Roman*: So We purpose by
‘ Gods Grace, both to live and die in the Practice thereof, and to pre-
‘ serve and maintain the same in full strength and integrity, according to
‘ the Laws of that Our ancient Kingdom. What We have thought further
‘ fitting to be done at this time, concerning the particulars contained in
‘ Our Subjects Petitions; you shall receive Our full Pleasure therein from
‘ Our Commissioner. And that this Our Declaration concerning Our
‘ Self, and Our Pious Intention, for settling the Reformed Religion within
‘ that Our Kingdom may appear to Posterity: Our Pleasure is, that these
‘ presents be Registred in the Books of Council.

‘ Oatlands, Septemb. 9. 1638.

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The Council received this Letter with all submissive, joyful and thankful acknowledgment; but some of them who were *Covenanters* in Heart, and the Heart of the *Covenant*, lest this Grace and favour if known to the People, should put a period to their Reign, acquainted the Lords *Covenanters* with it, who bestirred themselves the more zealously to raise and disperse false rumors, telling the People, that there was a new *Covenant* to be set on foot to destroy theirs, and ruin all. They desired the Council not to subscribe it or command the subscription, threatening a present rupture if they did: when that would not do, they requested the delaying of the publication of His Majesties Declaration till the Munday following; only to gain time to encounter it with a Protestation, to give the Ministers opportunity to exclaim against it upon Sunday, and to dispatch Copies of their Protestation to all places where the Declaration should be read. Which the Council wisely foreseeing, published the Declaration that very day, as here follows.

CHARLES by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith. To our Lovits

Messengers, Our Sheriffs in that part conjunctly and severally specially constitute, greeting. Forasmuch as the cause and occasion of all the distractions which have happened of late both in Church and Common-weal of this Our Kingdom, have proceeded from the conceived fears of innovation of Religion and Laws; to free all Our good Subjects of the least suspicion of any intention in Us to innovate any thing, either in Religion or Laws, and to satisfy not only their desires, but even their doubts, We have discharged, and by these presents do discharge the Service-Book, Book of Canons, and High Commission, and the practice of them, or any of them; and by these presents annuls and rescinds all Acts of Council, Proclamations, and other Acts and Deeds whatsoever, that have been made or published for establishing them or any of them, and declares the same to be null, and to have no force nor effect in time coming. And being informed, that the urging of the Practice of the five Articles of Perth Assembly hath bred great distraction and division in the Church and State, We have been graciously pleased to take the same into Our consideration; and for the Quiet and Peace of Church and State, do not only dispense with the practice of the said Articles, but also discharge, like as by these presents We discharge all and whatsoever persons from urging the practice thereof, upon either Laick or Ecclesiastical person whatsoever. And we do hereby free all Our Subjects from all censure and pain, whether Ecclesiastical or Secular, for not urging, practising or obeying the same, notwithstanding of any thing contained in the Acts of Parliament, or General Assembly to the contrary. And because it hath been, to the disgrace of Government, dispersed and surmised throughout this Our Kingdom, that some of Our Subjects have exercised such illimited and unwarranted power, and have held themselves eximed from Censure and Punishment, to which others Our Subjects are liable, We do by these presents declare, that if any of Our Subjects, whether Ecclesiastical or Civil, of whatsoever quality, title or degree, have, or shall at any time presume to do any such act, or assume to themselves any such exemption or power, That they shall, like as by these presents We make and ordain them to be lyable to the Tryal and Censure of Parliament, General Assembly, or any other Judicatories competent, according to the nature and quality of the offence. And for the free entry of Ministers, that no other Oath be administrate unto them than that which is contained in the Act of Parliament, And to give Our Subjects full assurance, that We never intend to admit of any change

change or alteration in the true Religion already established and professed in this Our Kingdom, and that all Our good people may be fully and clearly satisfied of the reality of Our intentions towards the maintenance of the truth and integrity of the said Religion, We have thought fit and expedient to enjoin and authorize, like as We by these presents do require and command all the Lords of Our Privy Council, Senators of the Colledge of Justice, Judges, and Magistrates to burgh and land, and all Our other Subjects whatsoever, to subscribe and renew the Confession of Faith, subscribed at first by Our dear Father and His household, in the year of God 1580. Thereafter by persons of all ranks, in the year 1581. by Ordinance of the Lords of Secret Council, and Acts of the general Assembly. Subscribed again by all sorts of persons in the year 1590. by a new Ordinance of Council at the desire of the General Assembly, with their General Band of maintenance of the true Religion, and the Kings Person. And for that effect We do require the Lords of Council to take such course anent the foresaid Confession and General Band, that it may be subscribed and renewed throughout the whole Kingdom with all possible diligence. And because we will not leave in Our Subjects minds the least scruple or doubt of Our Royal intentions and real resolutions, We have given warrant to Our Commissioner to indict a free general Assembly, to be holden at Glasgow the twenty first day of November, in this present year 1638. And thereafter a Parliament to be holden at Edinburgh the fifteenth day of May, Anno 1639. for settling a perfect Peace in the Church and Common-weal of this Kingdom. And because it is likely that the disorders and distractions which have happened of late, have been occasioned through the conceived fears of innovation of Religion and Laws, and not out of any disloyalty or disaffection to Sovereignty, We are graciously pleased absolutely to forget what is past, and freely to forgive all by-gones to all such as shall acquiesce to this Our gracious pleasure, and carry themselves peaceably as loyal and dutiful Subjects, and shall ratifie and approve the same in Our next ensuing Parliament. And that this Assembly may have the better success, and more happy conclusion, Our Will is, that there be a solemn Fast proclaimed and kept by all Our good Subjects of this Kingdom, a fourteen days before the beginning of the said Assembly: the causes thereof to be a begging a blessing from God upon that Assembly, and a peaceable end to the distractions of this Church and Kingdom, with the aversion of Gods heavy judgment from both. And Our Pleasure is, that this Fast be kept in the most solemn manner as hath been in this Church at any time heretofore upon the most extraordinary occasion.

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OUR Will is herefore, and We charge you straightly and command, that incontinent these Our Letters seen, you pass and make publication hereof by open Proclamation at the Market Crosses of the head burrows of this Kingdom, wherethrough none pretend ignorance of the same.

Given at Our Court of Oatlands, the ninth day of
September. 1638.

Per Regem.

After which the Confession of Faith and Band annexed for Defence of Religion, His Majesties Person and Authority, at first commanded by King James, was also Proclaimed, which was as follows.

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The Confession of Faith of the Kirk of Scotland.

Subscribed at the first by the King's Majesties umwhile dearest Father of blessed memory, and His Household, in the Year of God 1580. Thereafter, by Persons of all Ranks, in the Year of God 1581. by Ordinance of the Lords of Secret Council, and Acts of the General Assembly. Subscribed again by all sorts of Persons in the Year 1590. By a new Ordinance of Council, at the desire of the General Assembly: with the general Band for maintenance of the true Religion. And now renewed and subscribed again by His Majesties special command, by the Right Noble Marquess, James Marquess of Hamiltoun, Earl of Arran and Cambridge, Lord Even and Evendail, His Majesties High Commissioner, and Lords of Secret Council undersubscribing. And that of and according to the date and tenor of the said Confession of Faith, dated in March, 1580. and of the Band, dated in 1589.

WE all and every one of us underwritten, Protest, That after long and due examination of our own Consciences in matters of true and false Religion, are now thoroughly resolved in the Truth by the Word and Spirit of God, and therefore we believe with our hearts, confess with our mouths, subscribe with our hands, and constantly affirm before God, and the whole World; that this only is the true Christian Faith and Religion, pleasing God and bringing Salvation to man, which is now by the mercy of God revealed to the World by the Preaching of the blessed Evangel.

And received, believed and defended, by many and sundry notable Kirks and Realms, but chiefly by the Kirk of Scotland, the King's Majesty, and three Estates of this Realm, as Gods Eternal Truth, and onely ground of our Salvation: as more particulary is expressed in the Confession of our Faith, established and publicly confirmed by sundry Acts of Parliaments, and now of a long time hath been openly professed by the King's Majesty, and whole body of this Realm both in Burgh and Land. To the which Confession and form of Religion, we willingly agree in our consciences in all points, as unto Gods undoubted Truth and Verity, grounded only upon his written Word. And therefore we abhor and detest all contrary Religion and Doctrine: But chiefly, all kind of Papistry in general and particular heads, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in special we detest and refuse the usurped Authority of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the Civil-Magistrate, and Conscience of men. All his Tyrannous Laws made upon indifferent things against our Christian Liberty. His erroneous Doctrine against the sufficiency of the written Word, the perfection of the Law, the Office of Christ and His Blessed Evangel. His corrupted Doctrine concerning Original Sin, our natural inability and rebellion to Gods Law, our justification by Faith only, our imperfect sanctification and obedience to the Law, the Nature, Number and Use of the Holy Sacraments. His five bastard Sacraments, with all his Rites, Ceremonies, and false Doctrine, added to the ministration of the true Sacraments without the Word of God. His cruel judgment against Infants departing without the Sacrament: his absolute necessity of Baptism: his blasphemous opinion of Transubstantiation or Real Presence of Christs Body in the Elements, and receiving of the same by the wicked, or bodies of men. His

dispenfa-

' dispensations with solemn oaths, perjuries, and degrees of Marriage for-
 ' bidden in the Word: his cruelty against the innocent divorced: his
 ' devillish Mass: his blasphemous Priesthood: his prophane Sacrifice for
 ' the sins of the dead and the quick: his Canonization of men, calling
 ' upon Angels or Saints departed, worshipping of Imagery, Reliques and
 ' Crosses, dedicating of Kirks, Altars, Days, Vows to Creatures; his
 ' Purgatory, prayers for the dead, praying or speaking in a strange lan-
 ' guage, with his Processions and Blasphemous Letany, and multitude of
 ' Advocates or Mediators: his manifold Orders, Auricular Confession:
 ' his desperate and uncertain Repentance: his general and doubtful faith:
 ' his satisfactions of men for their sins; his justification by works, *opus*
 ' *operatum*, works of supererogation, Merits, Pardons, Peregrinations and
 ' Stations: his holy-water, baptising of Bells, conjuring of Spirits, crossing,
 ' fanning, anointing, conjuring, hallowing of Gods good creatures, with
 ' the superstitious opinion joined therewith: his worldly Monarchy, and
 ' wicked Hierarchy: his three solemn vows, with all his shavelings of
 ' fundry sorts; his erronious and bloody decrees made at *Trent*, with
 ' all the subscribers and approvers of that cruel and bloody Band, con-
 ' jured against the Kirk of God: and finally we detest all his vain
 ' Allegories, Rites, Signs, and Traditions brought in the Kirk, without
 ' or against the Word of God, and Doctrine of this true Reformed Kirk;
 ' to the which we joyn our selves willingly, in Doctrine, Faith, Religion,
 ' Discipline, and use of the Holy Sacraments, as lively members of the
 ' same in Christ our Head: promising and swearing by the Great Name of
 ' the Lord our God, That we shall continue in the obedience of the Doctrine
 ' and Discipline of this Kirk, and shall defend the same according to our
 ' vocation and power, all the days of our lives, under the pains contained
 ' in the Law, and danger both of Body and Soul in the day of Gods fear-
 ' ful Judgment. And seeing that many are stirred up by Satan and that
 ' Roman Antichrist to promise, swear, subscribe, and for a time use the
 ' Holy Sacraments in the Kirk deceitfully, against their own consciences,
 ' minding hereby, first under the external cloak of Religion, to corrupt and
 ' subvert secretly Gods True Religion within the Kirk, and afterward
 ' when time may serve, to become open enemies and persecutors of the same,
 ' under vain hope of the Popes dispensation, devised against the Word of
 ' God, to his greater confusion and their double condemnation in the day
 ' of the Lord *Jesus*.

' We therefore, willing to take away all suspicion of hypocrisie, and of
 ' such double dealing with God and His Kirk, Protest, and call *The Searcher*
 ' *of all hearts* to witness, that our minds and hearts do fully agree with
 ' this our Confession, Promise, Oath and Subscription; so that we are not
 ' moved for any worldly respect, but are perswaded only in our Consciences,
 ' through the knowledge and love of Gods True Religion printed in our
 ' hearts by the Holy Spirit, as we shall answer to Him in the day when
 ' the secrets of all hearts shall be disclosed. And because we perceive that
 ' the quietness and stability of our Religion and Kirk doth depend upon the
 ' safety and good behaviour of the King's Majesty, as upon a comfortable
 ' instrument of Gods mercy granted to this Countrey for the maintenance
 ' of His Kirk, and ministration of Justice amongst us, we Protest and Pro-
 ' mise with our hearts under the same Oath, Handwrit and Pains, that
 ' we shall defend His Person and Authority, with our Geare, Bodies and
 ' Lives, in the Defence of Christ His Evangel, Liberties of our Countrey,
 ' ministration of Justice, and punishment of Iniquity, against all Enemies
 ' within

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‘ within this Realm or without, as we desire our God to be a strong and
 ‘ merciful Defender to us in the day of our death and coming of our Lord
 ‘ *Jesus Christ*. To whom with the Father and the Holy Spirit, be all Ho-
 ‘ nour and Glory Eternally. *Amen*.

‘ **W**E under-subscribing, and considering the strait link and conjunction
 ‘ betwixt the true and Christian Religion presently profest within
 ‘ this Realm, and Sovereign Lords estate and standing, having both the
 ‘ self same friends and common enemies, and subject to the like event of
 ‘ standing and decay, and weighing therewithal the imminent danger threat-
 ‘ ned to the said Religion, the preservation whereof being dearer to us
 ‘ than whatsoever we have dearest to us in this life; and finding in His
 ‘ Majesty a most honourable and Christian Resolution, to manifest himself
 ‘ to the world, that Zealous and Religious Prince which He hath hitherto
 ‘ professed, and to imploy the means and power that God hath put into His
 ‘ hands, as well to the withstanding of whatsoever foreign force shall mean
 ‘ within this Land, for alteration of the said Religion, or endangering of the
 ‘ present State, as to the repressing of the inward Enemies thereto amongst
 ‘ our selves, linked with them in the said Antichristian League and Con-
 ‘ federacy; have therefore in the presence of Almighty God, and with His
 ‘ Majesties authorising and allowance, faithfully promised, and solemnly
 ‘ sworn, like as hereby we faithfully and solemnly swear, and promise to
 ‘ take a true, effauld, and plain part with His Majesty amongst our selves,
 ‘ for diverting of the appearing danger threatned to the said Religion, and
 ‘ His Majesties state and standing, depending thereupon, by whatsoever
 ‘ foreign or intestine Plots or Preparations. And to that effect, faithfully,
 ‘ and that upon our truth and honours, bind and oblige us to others, to con-
 ‘ veen and assemble our selves publickly, with our friends in arms, or in
 ‘ quiet manner, at such times and places as we shall be required by His
 ‘ Proclamations, or by Writ or Message direct to us from His Majesty
 ‘ or any having power from Him, and being Conveened and Assembled, to
 ‘ joyn and concur with the whole forces of our friends and favourers, against
 ‘ whatsoever foreign or intestine powers or Papists, and their partakers,
 ‘ shall arrive or rise within this Island, or any part thereof, ready to defend
 ‘ or pursue, as we shall be authorised and conducted by His Majesty, or
 ‘ any others having His Power and Commission, to joyn and hold hand
 ‘ to the execution of whatsoever mean or order shall be thought meet
 ‘ by His Majesty and His Council, for suppressing of the Papists, Promo-
 ‘ tion of the true Religion, and settling of His Highness Estate, and obe-
 ‘ dience in all the countries and corners of this Realm, to expound and
 ‘ hazzard our lives, lands, and goods, and whatsoever means God hath
 ‘ lent us, in the defence of the said true and Christian Religion, and His
 ‘ Majesties Person and Estate, against whatsoever Jesuits and Seminary
 ‘ or Mass-Priests, condemned Enemies to God and His Majesty, to their
 ‘ utter wracke and exterminion, according to the power granted to us by
 ‘ His Majesties Proclamation and Acts of Parliament, to try, search, and
 ‘ seek out all Excommunicates, Practisers, and other papists whatsoever,
 ‘ within our bounds and Shire where we keep residence, and delate them
 ‘ to His Highness and His Privy Council, and conform us to such dire-
 ‘ ctions, as from time to time we shall receive from His Majesty and His
 ‘ Council in their behalfs. And specially so many of us as presently are,
 ‘ or hereafter shall be appointed Commissioners in every Shire, shall
 ‘ follow.

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‘ follow, pursue, and travail by all means possible, to take and apprehend
 ‘ all such Papists, Apostates, and Excommunicates, as we shall receive in
 ‘ Writ from His Majesty. And we, the remanent within that Shire, shall
 ‘ concurr and assist with the said Commissioners with our whole friends
 ‘ and forces to that effect, without respect of any person whatsoever. And
 ‘ generally to assist in the mean time, and defend every one of us another,
 ‘ in all and whatsoever quarrels, actions, debates, moved, or to be moved
 ‘ against us, or any of us, upon action of the present Band, or other causes
 ‘ depending thereupon. And effauldly joyn in defence and pursuit against
 ‘ whatsoever shall offer or intend any injury or revenge against any one
 ‘ of them for the premises, making his cause and part that is pursued, all our
 ‘ parts; notwithstanding, whatsoever privy grudge or displeasure standing
 ‘ betwixt any of us, which shall be no impediment or hinder to our said
 ‘ effauld joyning in the said common cause; but to lie over, and be mis-
 ‘ known, till they be orderly removed, and taken away by the order un-
 ‘ der-specified: To the which time, we for the better furtherance of the
 ‘ said cause and service, have assured, and by the tenour hereof, every one
 ‘ of us taking the burden upon us for our selves, and all that we may let,
 ‘ assure each other to be unhurt, unharmed, or any ways to be invaded by
 ‘ us, or any our foresaids, for old feid or new, otherwise than by ordinary
 ‘ course of law and justice, neither shall we, nor any of our foresaids, make
 ‘ any provocation or tumult, trouble or displeasure to others in any sort,
 ‘ as we shall answer to God, and upon our Honours and Fidelity to His
 ‘ Majesty. And for our further and more hearty union in this service, we
 ‘ are content, and consent, that all whatsoever our feids and variances fallen,
 ‘ or that may fall out betwixt us, be within forty days after the date
 ‘ hereof amicably referred and submitted to seven or five indifferent friends,
 ‘ chosen by His Majesty of our whole number, and by their moderation
 ‘ and arbitrement componed and taken away. And finally, that we shall
 ‘ neither directly nor indirectly, separate nor withdraw us from the union
 ‘ and fellowship of the remanent, by whatsoever suggestion or private advice,
 ‘ or by whatsoever incident regard, or stay such resolution as by common
 ‘ deliberation shall be taken in the premises, as we shall answer to God
 ‘ upon our consciences, and to the world upon our truth and honours,
 ‘ under the pain to be esteemed Traytors to God and His Majesty, and
 ‘ to have lost all honour, credit and estimation in time coming. In witness
 ‘ whereof, by His Majesties special command, allowance, and protection
 ‘ promised to us therein, We have subscribed these presents with our hands.
 ‘ At 1589.

We JAMES Marquess of Hamiltoun, Earl of Arran and Cambridge, Lord Even and Evendail, His Majesties High Commissioner, and Lords of His Majesties Privy Council undersubscribing, by vertue, and conform to a Warrant and Command, signed by His Sacred Majesty, of the date of Septemb. the ninth, 1638. and registrate in the Books of Council upon the twenty second day of the said month, Swear, and with our hearts and humble and true affections to Gods Truth, and to His Sacred Majesty, subscribe the Confession of Faith, of and according to the date and tenour above specified: and also renew, swear, and subscribe the foresaid general Band of the tenour above-written, for preservation of the true Religion, and maintenance of His Sacred Majesties Authority, according to the tenour thereof, and siclike, as amply as the same was conceived in favours of His Majesties umwhile Blessed Father of Eternal Memory by the said Band.

1639.

In Witneß whereof, we have subscribed these presents with our hands, At Haly-rood-house, September, 22. 1638. Sic Subscribitur,

HAMILTON.

Traquaire	Southesk
Roxburgh	Belheaven
Mairsheal	Angus
Mar	Lorn
Murray	Elphinstoun
Linlithgow	Naper
Perth	Dalyel
Wigtoun	Amont
Kingorne	J. Hay
Tullibardin	S. Thomas Hope.
Hadingtoun	S. W. Elphinstoun
Annandail	Ja. Carmichael
Lauderdale	J. Hamiltoun
Kinnoull	Blackhall.
Dumfreis	

At the same time was made Proclamation for indicting the General Assembly, another for the Parliament, and lastly an Act of the Council, requiring Subscription to the said Confession, and a Commission with Commissioners for the several Shires to put the said Act in Execution, all which in order follow.

At Haly-rood-house the twenty second of September, 1638.

FOrasmuch as it hath pleased the Kings Majesty, out of His Pious and Religious disposition to the true Religion, and out of His Fatherly care for removing of all fears, doubts, and scruples, which may arise in the minds of His Subjects, for preservation of the purity thereof, and upon divers great and weighty considerations, importing the glory of God, the peace of the Kirk and Commonweal of this Kingdom, to appoint and give order, that a free general Assembly be indicted, kept, and holden at the City of Glasgow the twenty first of November next: Therefore the Lords of Secret Council ordains letters to be direct, charging Maissars, and Officers of Arms, to pass and make publication hereof by open Proclamation at the Market Cross of Edenburgh, and the head Burrows of this Kingdom, and other places needful. And to warn all and sundry Archbishops, Bishops, Commissioners of Kirks, and others having place and vote in the Assembly, to repair and address to the said City of Glasgow the said one and twentieth day of November next to come, and to attend the said Assembly induring the time thereof, and aye and while the same be dissolved, and to do and perform all which to their charges in such cases appertaineth, as they will answer to the contrary at their highest peril.

Immediately after that, the following Proclamation was made for the indiction of the Parliament.

At

At *Haly-rood-houſe* the twenty ſecond day of *September*, 1638.

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‘ **F**Orſomuch as it hath pleaſed His Maſteſty, out of His pious and religious diſpoſition to the true Religion, and out of His fatherly care for removing of all fears, doubts and ſcruples which may ariſe in the minds of His Subjects, for preſervation of the purity thereof, and upon divers other great and weighty cauſes; importing the glory of God, the peace of the Kirk and Commonweal of this Kingdom, to appoint and give order, that the Sovereign and High Court of Parliament ſhall be holden at the City of *Edenburgh* upon the fifteenth day of *May* next to come, with continuation of days; Therefore the Lords of Secret Council ordain letters to be direct to Maiſſars and Officers of Arms, charging them to paſs to the Market Croſs of *Edenburgh*, and other places needful, and there by open Proclamation to make publication of the holding of the ſaid Parliament, and to warn all and fundry Noblemen, Prelates, and Commiſſioners for the Barons and Burrows, and all others having voice and place in the ſaid Parliament, that they and every one of them, in their moſt decent and comely manner, make their addreſs to the ſaid Parliament, attend and await thereat during the time thereof, and to diſcharge that duty which is incumbent to them, and each one of them, as they will answer on the contrary at their peril.

And laſt of all was publiſhed and proclaimed firſt the Act of the Lords of Our Council for requiring all Our Subjects to ſubſcribe the ſaid Confeſſion of Faith and Band annexed, which here followeth.

At *Haly-rood-houſe*, the twenty fourth day of *September*, Anno 1638.

THe which day a Noble Earl, JAMES Marqueſs of Hamiltoun, Earl of Arran and Cambridge, His Maſteſties Commiſſioner, having produced and exhibit before the Lords of Secret Council, upon the twenty ſecond day of this inſtant, a warrant ſigned by His Maſteſty, of the date the ninth of *September* inſtant; wherein among others of His Maſteſties gracious and royal expreſſions for preſervation of the purity of Religion, and due obedience to His Maſteſties authority in the maintenance thereof, His Maſteſty did will and ordain that the Lords themſelves ſhould ſwear the Confeſſion and general Band mentioned in His Maſteſties ſaid warrant, and alſo ſhould take ſuch order, as all His Maſteſties lieges may ſubſcribe the ſame. And the ſaid Lords of Secret Council, acknowledging His Maſteſties pious and gracious diſpoſition and affection to the purity of Gods truth, did upon the twenty ſecond day of *September* inſtant, unanimoſly and with all humble, hearty, and ſincere affection, ſwear and ſubſcribe the Confeſſion of Faith, dated the ſecond of *March*, 1580. according as it was then profeſt within this Kingdom: together with the foreſaid general Band dated in Anno 1589. And now to the effect that all His Maſteſties lieges may give the like obedience to His Maſteſties ſo pious deſire, therefore the ſaid Lords have ordained and ordains all His Maſteſties lieges, of whatſoever eſtate, degree or quality, Eccleſiaſtical or Civil, to ſwear and ſubſcribe the ſaid Confeſſion, dated the ſecond of *March*, 1580. and that according to the ſaid date and tenour thereof, and as it was then profeſt within this Kingdom; together with the ſaid general Band dated in Anno 1589. as they will answer at the contrary upon their obedience. And ordains

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Officers of Arms to pass to the Market Cross of Edinburgh, and make publication hereof, and at all other places needful, wherethrough none pretend ignorance of the same,

And next after that was proclaimed the Commission of the Lords of Our Council, whereby they appointed and designed several Commissioners for requiring and taking the subscriptions of Our Subjects to the said Confession and Band annexed, throughout the several Shires within the Kingdom, which here followeth :

*At Haly-rood-house the twenty fourth day of September;
Anno 1638.*

FOrsomuch as a noble Marqueß, JAMES Marqueß of Hamiltoun, Earl of Arran and Cambridge, His Majesties Commissioner, and the Lords of Secret Council, by an Act of the date of the twenty second of this instant, have by special warrant of His Sacred Majesty sworn and subscribed, with all humble and hearty affection, and unanimously, the Confession of Faith, dated the second of March, 1580. and at length insert in the Books of Privy Council, of and according to the said date and tenour thereof, and according as it was then profest within this Kingdom: together with the general Band insert therewith in the said Books of Privy Council, dated in Anno 1589. Like as also the said Lords of Council, by their Act of the date of these presents, acknowledging His Majesties pious and gracious disposition and affection to the purity of Gods truth, and as thereby they conceive themselves bound in conscience and humble duty to use and follow forth all possible diligence, for procuring the subscriptions of all His Majesties Lieges thereto. And to this effect have thought fit that the care and diligence in procuring thereof be committed to some of His Majesties Council, and others of the Nobility and Gentry within the several Sheriffdoms and Provinces of the Kingdom, in manner after specified: therefore the said Lord Commissioner, and Lords of Secret Council, give power, warrant, and commission to such of their number and others after-following, within the bounds after specified, (viz.) For the sheriffdom of Edinburgh principal, William Earl of Lothiane, Archibald Lord Naper, Sir John Dalmahoy of that ilke, Sir George Towers of Innerleith. For the Burgh of Edinburgh, the Provost and Baylies of Edinburgh, that are, or shall be for the time. For East-lothiane, Robert Earl of Roxburgh, Lord Privy Seal, Thomas Earl of Hadintoun, John Earl of Lauderdale, Henry Lord Ker, Sir Patrick Murrey of Elibank, Sir Patrick Hepburne of Wauchtoun, and James Maxwel of Innerweik. For the Stewartie of Dalkeith, John Earl of Traquair, Lord Treasurer, William Earl of Dalhousie, and Sir James Macgill of Cranstonriddel. For the sheriffdom of Peebles, and Ettrick-Forrest, the said Lord Treasurer, and John Lord Yester. For the sheriffdom of Selkirke, the said Lord Treasurer, the Earl of Hadintoun, Sir William Scot of Harden, and General Ruthven. For the Sheriffdome of Roxburgh, the Lord Privy Seal, the Earl of Lauderdale, the Lord Ker, Sir Andrew Ker of Greenhad, Sir William Dowglas Sheriff of Tiviotdail, and Sir Thomas Ker of Cavers. For the Sheriffdom of Berwick, the said Lord Privy Seal, James Earl of Home, the Earls of Hadintoun and Lauderdale, and Laird of Blacader. For the Sheriffdom of Fyffe, John Earl of Rothes, Charles Earl of Dumfermline, John Earl of Annandail, John Earl of Wemes, Lord Fentoun, John Lord Lindsey, David Lord Balcarres, Sir Thomas Hope of Craighall, Knight Baronet,

Baronet, His Majesties Advocate, Sir Alexander Gibson of Dury, Sir James Learmonth of Balcolmie, and Sir Andrew Murrey of Balvaird. For the Sheriffdom of Linlithgow, Alexander Earl of Linlithgow, James Lord Amont, Sir John Hamiltoun of Orbeston Justice Clerk, Dundas of that ilke, and M. George Dundas of Manner. For the Sheriffdom of Lanerk, John Earl of Wigtoun, Archibald Lord Angus, Lord Fleeming, Robert Lord Dalzell, Sir William Elphinstoun chief Justice, Sir James Carmichael of that ilk Treasurer Depute, the said Justice Clerk, Sir James Lokhart younger of Lee, Francis Dowglas of Sandelands, Gawin Hamiltoun of Raploche, Sir James Hamiltoun of Broom-hill, Robert Hamiltoun of Torrence, and Alexander Hamiltoun of Hags Sheriff. For the Sheriffdom of Striveling, John Earl of Mar, William Earl of Airth, John Earl of Montrose, Alexander Earl of Linlithgow, John Earl of Wigtoun, John Lord Flemming, Alexander Lord Elphinstoun, James Lord Amont, and Sir William Murray of Polmais. For the Sheriffdom of Dumfreis, William Earl of Queensberrie, Master of Dalzell, the Laird of Lag, William Maxwell of Kirkhouse, and John Dalzell of Newtown. For the Sheriffdom of Clackmannan, the said Earl of Mar, Sir Robert Bruce of Clackmannan, Sir Thomas Hope younger of Cars Sheriff. For the Sheriffdom of Wigtoun, John Earl of Cassils, Alexander Earl of Galloway, Sir John Hamiltoun elder and younger of Barganie, Sir Patrick Mackie of Larg, John Murrey of Broughton. For the Sheriffdom of Air, Alexander Earl of Eglintoun, Alexander Earl of Glencarne, John Earl of Cassils, William Earl of Dumfreis, William Lord Crichton, John Lord Lowdown, the Lairds of Barganie elder and younger, the Lairds of Gastoun and Cragiewallace. For the Sheriffdom of Renfrew, Alexander Earl of Glencarne, Robert Vicount of Belheaven, Sir Archibald Stewart of Blackhall, the Laird of Howston, and Brice Sempill of Cathcart, Sir Robert Dowglass of Blaikester, and Sir John Maxwell of Pooke. For the Sheriffdom of Dumbartane, Argyle, and Carbet, the said Earls of Montrose and Wigtoun, the Lords Lorn and Flemming, Sir George Stirline of Keir, and Sir William Stewart Captain of the Castle of Dumbartane. For the Sheriffdom of Perth, Stewartries of Monteith and Strathern, the Earls of Airth, Montrois, Atholl, Perth, Tullibardin, and Kinnoul, Mungo Vicount of Stormont, the Lairds of Keir and Lawers elder and younger, the Lairds of Duncrub elder and younger, and Blair of Baltheiock. For the Sheriffdom of Forfar, the Earls of Montrois, Kingorn, and Southesk, the Lords Carnaegie and Ogilvie, the Master of Spynie, Patrick Maule of Panmure, the Constable of Dundee, Sir Andro Fletcher of Innerpeffer, the Lairds of Din, Ethie, Balnamoune, Aldbar, Bonnyton, Lethintie, and Innerquharratie. For the Sheriffdom of the Mernes, the Earls of Mairshall and Southesk, the Lord Carnaegie, Sir Thomas Burnet of Leyes, the Lairds of Glenbervie, Arbuthnet, Morphie, Balmoyne, and Halkerton elder. For the Sheriffdom of Aberdene, the Marquess of Huntly, the Earls of Mairshall and Kingorne, the Earl of Kingorne for himself, and as Tutor to the Earl of Erroll, the Lords Forbes and Fraser, and Laird of Drum. For the Sheriffdom of Banff, the Marquess of Huntly, the Earls of Mairshall and Finlatter. For Elgine and Forres, the Earl of Murray, the Laird of Innes, Brodie of that ilk, and Dumbar, Sheriff of Murrey. For the Sheriffdom of Innerness, the Marquess of Huntly, the Earl of Seafort, the Lord Lovatt, the Lairds of Grant and Makintosh. For the Sheriffdoms of Caithnes and Sutherland, the Earls of Sutherland, Caithnes, and Seafort, the Master of Berridail, and Sir Robert Gordoun. For Orkney and Zetland, the Earl of

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of Cariet, Sir John Buchannan of Scotiscraig, and William Stewart of Maynes. For the Sheriffdom of Bute, the Lord Lorn and Sheriff of Bute. For the Isles, the Lord Lorn. With power to them conjunctly and severally to pass to the several bounds above-written, at such times and places as they shall think fit, and there to exhibit the said Confession of Faith and general Band above-specified, marked and subscribed by the Clerk of Council, and to require all His Majesties lieges, of whatsoever rank and quality, to subscribe the said Confession of Faith, dated March 2. 1580. according to the said date and tenour thereof, and as it was then profest within this Kingdom, together with the general Band dated in Anno 1589. as they will be answerable to His Majesty and the said Lords, upon their duty and obedience: and to make report of their said diligence betwixt and the thirteenth day of November next.

The Lord Commissioner, and Lords of the Council swore and subscribed as follows.

Apud Haly-rood-house, 22. Septembris, Anno 1638.

THE which day a Noble Marqueß, JAMES Marqueß of Hamiltoun, Earl of Arran and Cambridge, His Majesties Commissioner, and Lords of Secret Council, in all humble and hearty affection unanimously swore, and subscribed the Confession of Faith above-written, dated the second of March, 1580. according as it was then profest within this Kingdom, together with the general Band above specified, dated in Anno 1589. Whereupon Sir Thomas Hope of Craighall, His Majesties Advocate, in His Majesties Name asked instruments.

The Council testified their satisfaction by an Act of Council and a Letter to His Majesty, which here follow.

The Act of Council.

THE Lords of Secret Council having read and maturely considered His Majesties Letters, and particular Declaration of His pleasure anent the annulling of the Service-Book, Book of Canons, and high Commission, discharging the pressing of the practice of the five Articles, making all persons, Ecclesiastick and Civil, of what title or degree soever, lyable to the tryal and censure of Parliament, general Assembly, and other Judicatories competent, anent the not administring to Ministers at their entry any other Oath than that which is contained in the Act of Parliament anent the subscribing and renewing the Confession of Faith, subscribed by His Majesties Father of blessed memory, and His houshold, in Anno 1580. and Band following thereupon, anent the indiction of a general Assembly, to be holden at Glasgow the twenty first day of November, 1638. and Parliament at Edenburgh, the fifteenth day of May, 1639. and anent His gracious goodness in forgetting and forgiving all by-gones, and indiction of a Fast for craving of Gods blessing to this Assembly; find themselves so fully satisfied therewith, and the same to be so satisfactory for removing all the fears of the subjects anent innovation of Religion or Laws, that we hold our selves bound in duty, not only to acquiesce therewith, as the best mean to secure both Religion and Laws, but also to use our best endeavours that all His Majesties good subjects may likewise rest satisfied therewith; And that they with us, and we with them, may testifie
our

our thankfulness for so great a grace and goodness with all the hearty expressions of dutifulness and loyalty; and that our true sense hereof may the more clearly appear to our sacred Sovereign, we do by these humbly and heartily make offer of our lives and fortunes in the defending and assisting of His Majesties sacred Person and Authority, in the maintenance of the foresaid Religion and Confession, and repressing of all such as shall hereafter press to disturb the peace of this Kirk and Kingdom.

In witness whereof we have heartily and freely subscribed these presents with our hands. At Haly-rood-house the twentysecond day of September, 1638.

Sic Subscribitur.

H A M I L T O U N.

Traquaire	Southesk
Roxburgh	Belheaven
Mairsheall	Angus
Mar	Lorne
Murray	Elphinstoun
Linlithgow	Naper
Perth	Dalyell
Wigtoun	Amont
Kingorn	J. Hay
Tullibardin	S. Thomas Hope
Hadington	S. W. Elphinstoun
Annandail	Ja. Carmichael
Lauderdail	J. Hammiltoun
Kinnoul	Blackhall.
Dumfreis	

The Letter of Our Council.

Most Sacred Sovereign,

IF ever faithful and loyal subjects had reason to acknowledge extraordinary favours shewn to a Nation, and in a most submissive and hearty manner give real demonstrations of the grace vouchsafed; then do we of your Majesties Council, of this your ancient Kingdom, unanimously profess, that such acts of clemency vouchsafed us, cannot proceed from any Prince, saving him who is the lively image on earth of the great God Author of all goodness. For return of so transcendent grace, fortified with the real expression of unparallel'd Piety, royal inclination to peace, and universal love, not only to those of our number, but likewise to all your Majesties loyal Subjects, we do all in one voice, with all resentment can be imagined, in all humility render our most bounden thanks, and offer, in testimony of our full satisfaction and acquiescence herewith, to sacrifice our lives and fortunes in seconding your Sacred Majesties commandments, and repressing all such as shall hereafter preasse to disturb the peace of the Kirk and Kingdom. And for some small signification of our alacrity and diligence in your Sacred Majesties service, we have all, without the least shadow of any scruple, subscribed the Confession of Faith and Band appointed to be received by all your Majesties loyal Subjects, sent the Act passed in Council, with our other proceedings, which we do most humbly represent

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to your Royal view. And we beseech your Majesty to be pleased, to be persuaded of the unviolable devotion of all here, subscribers, who do all in all humility pray for your Majesties most happy and flourishing Reign.

Sic Subscribitur.

HAMILTON.

Traquaire	Southesk
Roxburgh	Belheaven
Mairsheall	Angus
Mar	Lorn
Murray	Elphinstoun
Linlithgow	Naper
Perth	Dalyell
Wigtoun	Amont
Kingorn	J. Hay
Tullibardin	S. Thomas Hope
Hadintoun	S. W. Elphinstoun
Annandail	Ja. Carmichael
Lauderdail	J. Hammiltoun
Kinnoul	Blackhall.
Dumfreis	

One might now have expected a happy period to all the distractions, His Majesty by this Declaration granting every particular hitherto desired by them in any of their Supplications, Remonstrances, Protestations, and Declarations written or printed. But the factious *Covenanters* presently erected a Scaffold under the Cross, where a great number of Earls, Lords, Gentlemen and others mounted, with their swords in their hands and hats on their heads, caused one *Johnston* to read the wicked, treasonable and ignorant Protestation following.

The Protestation of the Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons, the twenty second of September, 1638.

WE Noblemen, Barons, Gentlemen, Burgessees, Ministers, and Commons, His Majesties true and loyal subjects, that whereas our continual supplications, and complaints, articles, and informations, presented, first, to the Lords of His Majesties Privy Council; next, to His Sacred Majesty, and last, from time to time to His Majesties Commissioner, our long attendance and great patience this twelve-month by-gone, in waiting for satisfaction of our most just desires, our zeal to remove all rubs out of the way, which were either mentioned unto us, or could be conceived by us, as hinderances of our pious intentions, aiming at nothing but the good of the Kingdom, and preservation of the Kirk, which by consumption or combustion is likely to expire; delighting to use no other means but such as are legal, and have been ordinary in this Kirk since the reformation, and labouring according to our power and interest, that all things might be carried in a peaceable manner, worthy of our Profession and Covenant, our Protestation containing a hearty thanksgiving for what His Majesty in His Proclamation from His justice had

' had granted of our just desires, and our protests and hopes for so much
 ' as was not as yet granted: all these made us confidently to expect from
 ' His Majesties royal and compassionate disposition towards this His na-
 ' tive Kingdom, that a free General Assembly and Parliament should have
 ' been indicted, as the ordinary and most proper remedies of our grievances,
 ' and did constrain us to renew our petition, earnestly intreating that His
 ' Majesties Commissioner would be pleased to represent unto His Majesty
 ' the condition of this Kirk and Kingdom, crying in an extreme exigency
 ' for present help, with the lawfulness of the remedies prescribed by His
 ' Majesties Laws, required by us, and presented to him in some particular
 ' Articles, which his Grace promised to recommend to His Majesty, and
 ' to do his best endeavours for obtaining the same; especially the first
 ' Article, that there might be indicted a full and free General Assembly,
 ' without prelimination, either in the constitution and members thereof,
 ' in the order and manner of proceeding, or in the matters to be treated:
 ' and if there should be any question or doubt about one of these, or such
 ' like particulars, that the determination thereof might be remitted to the
 ' Assembly it self, as the only proper and competent Judge. And now
 ' after so many supplications, complaints, articles, and informations; after
 ' our necessary protestation, expressing the humble thankfulness and con-
 ' tinued desires of our hearts; after so long expectation, and so much
 ' dealing, having with open ears and attentive minds, heard His Majesties
 ' Proclamation, It is our desire, purpose, and endeavour so to proceed, that
 ' we may upon the one part still be thankful to God and the King for
 ' the least blink of His Majesties countenance, and the smallest crums of
 ' comfort that fall unto us from His Majesties Royal hands; beseeching
 ' the Lord yet further to enlarge His Majesties heart, for our full satis-
 ' faction and rejoycing, to the honour of God, the good of this Kirk and
 ' Kingdom, and His Majesties never dying fame and glory; that His wise
 ' government and zeal to the service of God may be a measure and pattern
 ' of desires to all generations hereafter, when they shall be wishing for a
 ' religious and righteous King: and on the other part, that Christ our
 ' Lord, the King of Kings, through our neglect or lukewarmness may
 ' want no part of His Sovereignty and Dominion; and that in our Reli-
 ' gion, which is more dear unto us than our lives, we deceive not our
 ' selves with that which cannot satisfie and make up the breach of this
 ' Kirk and Kingdom, or remove our fears, doubts and suspicions of the inno-
 ' vations of Religion: This hath made us to observe and perceive, that His
 ' Majesties Proclamation doth ascribe all the late distractions of this
 ' Kirk and Commonwealth to our conceived fears of the innovation of
 ' Religion and Law, as the cause and occasion thereof, and not to the inno-
 ' vations themselves, with which we have been for a long time, and espe-
 ' cially of late, heavily pressed and grieved; as if the cause were rather
 ' in apprehension and fancy, than in reality and substance. That the Ser-
 ' vice-Books and Book of Canons are not so far discharged by this Pro-
 ' clamations, as they have been urged by preceeding Proclamations; for
 ' this Proclamation only dischargeth the practice of them, and rescinds the
 ' Acts made for establishing their practice, but doth not rescind the former
 ' Proclamations, namely, that of the nineteenth of *February* at *Stirling*,
 ' and that of the fourth of *July* at *Edenburgh*, which give an high appro-
 ' bation to these Books, as fit means to maintain Religion, and to beat
 ' down all Superstition; and withal declares His Majesties purpose, to
 ' bring them into this Kirk in a fair and legal way: and thus both our

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‘ fears that they may be introduced hereafter, must still remain; and the liberty of the General Assembly, by such a Declaration of His Majesties judgment, is not a little prejudged in the minds of so many as wisely consider and compare the preceeding Proclamations with this which we now hear, although others who looking upon one step and not upon the whole progress, run on rashly, and neither considering what they are doing, nor with whom they are dealing, may be easily deceived, *Qui pauca videt, cito judicat*, a short sight maketh a sudden judgment.

‘ That it is declared in this Proclamation, that His Majesty neither intendeth to innovate any thing in Religion or Laws, or to admit of any change or alteration in the true Religion already established and professed in this Kingdom: and withal, this is interposed, that the Articles of *Pearth* are established by the Acts of Parliament and general Assembly, and dispensation of the practice only granted, and discharge given, that no person be urged with the practice thereof; and consequently His Majesties intention for the standing of the Acts of the Assembly and Parliament, appointing the Articles of *Pearth*, is manifest; which is no small prejudice to the freedom of the General Assembly, that while the Proclamation ordaineth all His Majesties Subjects to be liable to the tryal and censure of the judicatories competent, and that none of them shall use any unlimited and unwarranted power; likewise that no other Oath be administered to Ministers at their entry, than that which is contained in the Act of Parliament; in both these Articles the Bishops are meant, who are only thereby for the present curbed, against their exorbitancy and enormities in exercising their office: but the office of Bishops is thereby not only presupposed as unquestionable, but also so strongly established, that His Majesty declareth, for the present, His intention, to admit no innovation therein: which is more evident by the indiction of the Parliament, warning all Prelates to be present, as having voice and place in Parliament; and by the indiction of the Assembly, warning all Archbishops and Bishops (for so are their divers degrees and offices Ecclesiastical here designed and supposed) to be present, as having place and voice in the Assembly, contrary to the caveats, Acts of the Kirk, and our declinator: and thus a third and great limitation is put upon the General Assembly. The Proclamation, by reason of these many real limitations, and prejudices of the liberty of the Assembly in the very points which have wrought so much woe and disturbance in this Kirk and Kingdom, and wherein the liberty of the Assembly is most useful and necessary at this time, can neither satifie our grievances and complaints, nor remove our fears and doubts, nor cannot (without protestation) be admitted by us His Majesties subjects, who earnestly desire that Truth and Peace may be established; and that for the Reasons following.

I. **T**O keep silence in any thing that may serve for the good of the Kirk, whether it be in preaching, prayer, or in proposing and voicing in a lawful Assembly of the Kirk, is against the word of God. *Eesai. lxii. 6. Ye that are the Lords remembrancers, keep not silence, and give him no rest till he establish, and till he make Jerusalem a praise in the Earth. 1 King. xviii. 21. Like the halting of the people between two opinions, and their not answering a word, when the Lord called them to give a testimony. Act. xx. 20. I have kept back nothing that was profitable unto you: and again, 1 Cor. xii. 7. Mat. xv. 18. Rom. i. 18. Rev. ii. 14, 20. and iii. 15. and therefore to keep silence, or not to meddle with cor-*
‘ rruptions,

ruptions, whether in doctrine, sacraments, worship or discipline, in a general Assembly of the Kirk, convened for that end, were the ready way to move the Lord to deny His Spirit unto us, and to provoke him to wrath against our proceedings and might be imputed unto us for prejudice, for collusion, and for betraying our selves and the posterity.

II. ' This predetermination is against our supplications and protestations, wherein we have shown our selves so earnest for a free general Assembly, contrary to every limitation of this kind ; so far prejudging the liberty thereof, is against the Confession of Faith registered in the Parliament, 1567. declaring that one cause of the Councils of the Kirk is for good policy and order to be observed in the Kirk, and for to change such things as men have devised when they rather foster Superstition than edifie the Kirk, using the same ; and is against our late Confession, wherein we have promised to forbear all novations till they be tryed, which obligeth us to forbear now, and to try them in an Assembly, and by all lawful means to labour to recover the former purity and liberty of the Gospel, to which this limitation is directly repugnant, our liberty in a General Assembly being the principal of all lawful means serving to that end.

III. ' This were directly contrary to the nature and ends of a general Assembly, which having authority from God, being convened according to the Laws of the Kingdom, and receiving power from the whole collective body of the Kirk, for the good of Religion, and safety of the Kirk ; whatsoever may conduce for these good ends in wisdom and modesty should be proponed, examined, and determined without Prelimitation, either of the matters to be treated, or of the liberty of the members thereof. It being manifest, that as far as the Assembly is limited in the matters to be treated, and in the members to be used, the necessary ends of the Assembly, and the supreme Law, which is the safety of the Kirk, are as far hindered, and pre-judged.

IV. ' This limitation is against the Discipline of the Kirk, which Book 2. Chap. 7. declareth this to be one of her liberties, That the Assembly hath power to abrogate and abolish all Statutes and Ordinances concerning Ecclesiastical matters that are found noysome and unprofitable, and agree not with the time, or are abused by the people, and against the Acts of the general Assembly. Like as the pretended Assembly 1610. declareth for the common affairs of the Kirk (without exception or limitation) it is necessary that there be yearly general Assemblies, and what order can be hoped for hereafter, if this Assembly indicted after so long intermission, and so many gross corruptions be limited, and that more than ever any lawful Assembly of the Kirk was, when it was yearly observed.

V. ' It is ordained in *Parl. 11. Act. 40. K. James 6.* anent the necessary and lawful form of all Parliaments that nothing shall be done or commanded to be done, which may directly or indirectly pre-judge the liberty of free voicing or reasoning of the Estates, or any of them in time coming. It is also appointed in *Parl. 6. Act. 92. K. James 6.* that the Lords of Council and Session proceed in all civil causes intended or depending before them, or to be intended, to cause execute their decrees notwithstanding any private writing, charge, or command in the contrary, and generally by the Acts of Parliament appointing every matter for its own judicatory, and to all judicatories their own freedom. And therefore much more doth this liberty belong to the supream judicatory Ecclesiastick in matters so important as concerneth Gods honour and worship immediately, the salvation of the peoples souls, and right con-

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stitution of the Kirk whole liberties and priviledges are confirmed, *Parl. 12. K. James 6. Parl. 1. K. Charles*, for if it be carefully provided by divers Acts of Parliament, especially *Parl. 12. Act. 148. K. James 6.* That there be no forefailing or regrating of things pertaining to this natural life: what shall be thought of this spiritual forefailing and regrating which tendeth to the famishing or poysoning of the souls of the people both now and in the generations afterward.

VI. 'It were contrary to our protestations, proceedings and complaints against the late innovations. And it might be accounted an innovation and usurpation as gross and dangerous to us, and the posterity, and as Prejudicial to Religion as any complained upon by us, to admit limitations, and secret or open determinations, which belongeth to no person or judicatory, but to an Assembly, or to consent to, and approve by our silence the same predeterminations, it were to be guilty of that our selves, which we condemn in others. We may easily judge how the Apostles before the Council of *Jerusalem*, the Fathers before the *Nicene Council*, and our Predecessors before the Assembly holden at the Reformation, and afterwards, would have taken such dealing.

'That this Proclamation commandeth all His Majesties Subjects for maintenance of the Religion already established, to subscribe and renew the Confession of Faith subscribed before in the year 1580. and afterward. And requireth the Lords of Privy Council to take such course anent the same, and the general Band of maintenance of the true Religion, and the King's Person, that it may be subscribed, and renewed throughout the whole Kingdom with all possible diligence, which cannot now be performed by us. For although of late we would have been glad that our selves and other His Majesties Subjects had been commanded by Authority to swear, and subscribe the general *Confession of Faith* against Popish Errors, and Superstitions: and now would be glad that all others should joyn with us in our late *Covenant and Confession*, descending more specially to the Novations and Errors of the time, and obliging us to the defence of Religion; and of the Kings Majesties Person, and Authority, and for these ends to the mutual defence every one of us of another, yet can we not now after so necessary, and so solemn a specification return to the general for the reasons following.

I. 'No means have been left unassayed against our late *Confession of Faith* and *Covenant* so solemnly sworn and subscribed. For first we were preft with the rendring and rescinding of our *Covenant*. Next an alteration in some substantial points was urged. *Thirdly*, A Declaration was motioned, which tended to the enervation thereof, and now we find in the same strain, that we are put to a new tryal, and the last mean is used more subtile than the former: that by this new subscription our late *Covenant* and *Confession*, may be quite absorbed and buried in oblivion, that where it was intended and sworn to be an everlasting *Covenant* never to be forgotten, it shall be never more remembred, the one shall be cryed up, and the other drowned in the noise thereof, and thus the new subscription now urged (although in a different way) shall prove equivalent to the rendring of the *Covenant*, or what of that kind hath before been assayed. Like as the reasons against the rendring of the *Covenant*, do militate directly against this new motion.

II. 'If we should now enter upon this new subscription, we would think our selves guilty of mocking God, and taking His Name in vain, for the tears that began to be poured forth at the solemnizing of the *Covenant*

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are not yet dried up and wiped away, and the joyful noise which then began to sound hath not yet ceased, and there can be no new necessity from us, and upon our part pretended for a ground of urging this new subscription, at first intended to be an abjuration of Popery upon us who are known to hate Popery with an unstained hatred, and have all this year by-gone given large testimony of our zeal against it. As we are not to multiply miracles on Gods part, so ought we not to multiply solemn Oaths and Covenants upon our part, and thus to play with Oaths as Children do with their toys, without necessity.

III. Neither would we in giving way to this new subscription think our selves free of Perjury: for as we were driven by an undecidable necessity to enter into a mutual *Covenant*, so are we bound, not only by the Law of God and nature, but by our solemn Oath and subscription, against all divisive motions to promove and observe the same without violation: and it is most manifest, that having already refused to render, alter, or destroy our *Covenant*, nothing can be more contrary and adverse to our pious intentions and sincere resolutions, than to consent to such a subscription and Oath, as both in the intention of the urgers, and in the nature and condition of the matter urged, is the ready way to extinguish and to drown in oblivion the Band of our union and conjunction that they be no more remembered.

In this case we are called to lay seriously to our hearts, *First*, That we have sworn that we shall neither directly, nor indirectly suffer our selves to be divided and withdrawn from this blessed and loyal conjunction, which consisteth not only in the general Confession, but also in our explanation, and application thereof, but on the contrary, shall by all lawful means, labour to further and promove the same. *Secondly*, That our union and conjunction may be observed without violation, (and so without mutilation of our application) we call the living L O R D to witness, as we shall answer to Christ in the great Day, &c.

IV. This new subscription, instead of performing our vows, would be a real testimony and confession before the World, that we have been transgressours in making rash vows, that we repent our selves of former zeal and forwardness against the particulars exprest first in our Supplications, Complaints, and Protestations, and next abjured in our Covenant, that we in our judgment prefer the general Confession unto this, which necessarily was now made more special; and that we are now under the fair pretext and honest cover of a new Oath, recanting and undoing that, which upon so mature deliberation we have been doing before, this beside all other evils, were to make way and open a door to the re-entry of the particulars abjured, and to repent our selves of our chiefest consolations, and to lie both against God and our own Souls.

V. It hath been often objected, that our *Confession of Faith* and *Covenant* was unlawful, because it wanted the warrants of publick Authority, and it hath been answered by us, that we were not destitute of the warrant Civil and Ecclesiastical which authorised the former *Covenant*. And although we could have wished that His Majesty had added both His Subscription and Authority unto it, yet the less constraint from Authority and the more liberty, the less hypocrisie, and more sincerity hath appeared: but by this new subscription urged by Authority we both condemn our former subscription as unlawful, because alledged to be done without Authority, and precondemn also the like laudable course in the like necessity to be taken by the posterity.

VI. What

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VI. 'What is the use of merch-stones upon borders of Lands, the like use hath Confessions of Faith in the Kirk, to disterninate and divide betwixt truth and error: and the renewing and applying of Confessions of Faith to the present errors and corruptions, are not unlike ryding of merches. And therefore to content our selves with the general, and to return to it, from the particular application of the Confession necessarily made upon the invasion or creeping in of errors within the borders of the Kirk, if it be not a removing of the merch-stone from the own place, it is at least the hiding of the merch in the ground that it be not seen, which at this time was very unseasonable for two causes, One is, because Popery is so pregnant, and powerful in this land, as we have learned of late. The other, because the *Papists* who upon the urging of the *Service-Book* and *Canons*, have presumed of our return to *Rome*, will upon this our subscription arise from their despairing of us, unto their wonted presumption. None of us will deny, but the large *Confession of Faith* registered in the Acts of Parliament, doth by consequence contain this short *Confession* and *Abjuration*: yet were it not sufficient against *Popery* to subscribe the one without the other: how then shall we think that the more general *Confession* and *Abjuration* at this time, when the urging of such *Popish* Books hath extorted from us so necessary an application, and doth still call for a testimony, to be compleat enough without it.

VII. 'The *Papists* shall hereby be occasioned to renew their old objection against us, *Annuae & menstruas fides de Deo decernunt*, That our Faith changeth with the Moon, or once in the Year, Other reformed Kirks might justly wonder at our inconstancy in changing our *Confession* without any real necessity, and that in one and the same Year it cometh forth larger, and more particular, than shorter, and more general: and our Adversaries will not fail to traduce us as troublers of the peace of the Kirk and Kingdom without any necessary cause.

VIII. 'It will likewise prove a confirmation of their error, who think they may both subscribe the *Confession of Faith*, and receive the *Service-Book*, and *Canons*, which is not only a direct scandalizing of them, but also a ready way to put a weapon in their hands against our selves, who maintain and profess that these and such other evils are abjured in the *Confession of Faith*.

IX. 'If we should now swear this *Confession*, we should be obliged by our Oath to maintain *Pearth* Articles, which are the innovations already introduced in the Worship of God, and to maintain Episcopacy with the civil places, and power of Kirkmen. Because we are bound to swear this *Confession* by vertue of and conform unto the King's Command signed by His Sacred Majesty of the date *September 9. 1638.* (These are the very words subjoynd to the *Confession* and *Band*, and prefixed to the Subscriptions) and it cannot be denyed, but any Oath ministred unto us, must either be refused, or else taken according to the known mind, professed intention, and expresse Command of Authority urging the same: and it is most manifest, that His Majesties mind, intention, and Commandment, is no other, but that the *Confession* be sworn, for the maintenance of Religion, as it is already or presently professed, (these two being coincident, altogether one and the same, not only in our common form of speaking, but in all His Majesties Proclamations) and thus as it includeth, and containeth within the compass thereof, the foresaid novations and Episcopacy, which under that name were also ratified, in the first Parliament holden by His Majesty. And where it may be objected, that

that the Counsellors have subscribed the *Confession of Faith*, as it was professed 1580, and will not urge the subscription in another sense upon the Subjects. We Answer, *First*, The Act of Council containing that declaration, is not as yet published by Proclamation. *Secondly*, If it were so published, it behooved of necessity either be repugnant to His Majesties declared Judgment and Command, which is more nor to swear without warrant from Authority (a fault although unjustly, often objected unto us) or else we must affirm the Religion in the Year 1580. and at this time to be altogether one and the same; and thus must acknowledge, that there is no novation of Religion, which were a formal contradiction to that we have sworn. *Thirdly*, By approving the Proclamation anent the Oath to be administred to Ministers, according to the Act of Parliament, which is to swear simple obedience to the Diocesan Bishop, and by warning all Arch-bishops and Bishops to be present; as having voice and place in the Assembly: they seem to determine, that in their Judgment the *Confession of Faith*, as it was professed 1580. doth consist with Episcopacy, whereas we by our Oath have referred the tryal of this or any other question of that kind to the general Assembly and Parliament.

X. This Subscription and Oath in the mind and intention of Authority, and consequently in our swearing thereof, may consist with the corruptions of the *Service-Book* and *Canons*, which we have abjured as other heads of *Popery*: for both this present Proclamation, and His Majesties former Proclamations at *Linlithgow*, *Striveling*, *Edenburgh*; the Lords of Privy-Council in their approbation of the same and the Prelates and Doctors who stand for the *Service-Book* and *Canons*, do all speak plainly, or import so much, that these Books are not repugnant to the *Confession of Faith*; and that the introducing of them is no novation of Religion or Law. And therefore we must either refuse to subscribe now, or we must confess contrary to our late Oath, and to a clear Truth, that the *Service-Book* and *Canons* are no innovations in Religion. And though the present Books be discharged by Proclamation, yet if we shall by any deed of our own testifie, that they may consist with our *Confession of Faith*, within a very short time, either the same Books, or some other like unto them, with some small change, may be obtruded upon us, who by our *Abjuration* (if we adhere unto it) have freed both our selves, and the posterity of all such corruptions, and have laid a fair foundation for the pure Worship of God in all time coming.

XI. Although there be indeed no substantial difference between that which we have subscribed, and the *Confession* subscribed 1580. more than there is between that which is hid, and that which is revealed; a march-stone hid in the ground, and uncovered, betwixt the hand closed and open, betwixt a sword sheathed and drawn, or betwixt the large *Confession*, registrate in the Acts of Parliament and the short *Confession*, or (if we may with reverence ascend yet higher) between the Old Testament and the New, yet as to sheath our sword when it should be drawn, were imprudency: or at the commandment of Princes, professedly *Popish* in their Dominions, after the Subjects had subscribed both *Confessions*, to subscribe the first without the second, or at the will of a *Jewish* Magistrate, openly denying the New-Testament, to subscribe the Old alone, after that they have subscribed both, were horrible impiety against God, and treachery against the Truth: right so, for us to subscribe the former a-part, as it is now urged and framed, without the explanation and application thereof at this time, when ours is rejected; and the subscribers

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‘ of the former refuse to subscribe ours, as containing something substantially different, and urge the former upon us, as different from ours, and not expressing the special abjuration of the evils, supplicated against by us, were nothing else, but to deny and part from our former subscription, if not formally, yet interpretatively. Old *Eleazar*, who would not seem to eat forbidden meat, and the Confessors and Martyrs of old, who would not seem by delivering some of their papers, to render the Bible, or to deny the Truth, may teach us our duty in this Case, although our lives were in hazard for refusing this Subscription: and who knoweth, but the L O R D may be calling His people now, who have proceeded so far in professing His Truth at this time, to such Trials and Confessions, as His faithfull witnesses have given of old; that in this point also our doing may be a document both to the succeeding ages, and to other Kirks to whom for the present we are made a spectacle.

XII. ‘ If any be so forgetful of his Oath (which God forbid) as to subscribe this Confession, as it is now urged, he doth according to the Proclamation acquiesce in this Declaration of His Majesties will, and doth accept of such a pardon as hath need to be ratified in Parliament, and thus doth turn our glory unto shame, by confessing our guiltiness, where God from Heaven hath made us guiltless, and by the fire of His Spirit from Heaven hath accepted of our service, and doth depart from the Commandment of God, the practice of the Godly in former times, and the worthy and laudable example of our worthy and religious progenitours, in obedience whereof, and conform to which we made profession to subscribe: for there is no particular Act required of us, to whom the pardon is presented in this Proclamation, but this new Subscription allanerly.

‘ XIII. The general band now urged to be subscribed, as it containeth many clauses not so fitting the present time as that wherein it was subscribed, so is it deficient in a point, at this time most necessary, of the Reformation of our lives, that we shall answerably to our profession, be examples to others, of all Godliness, soberness and righteousness and of every duty we owe to God and man; without which we cannot now subscribe this *Confession*, least we loose the bands to wickedness, seem to repent of our former resolutions and promises, and choose to have our portion with hypocrites, professing and swearing that we know God, but in our works denying him, being abominable, disobedient, and unto every good work reprobate.

‘ XIV. Since the narrative of the general band is now changed, and some lines, expressing at length the Papists, and their adherents to be the Party from whom the danger to Religion. and the Kings Majesty was threatened, are left out, and no designation made of the party from whom the danger is now threatned, we are made either to think, that our subscription at this time is unnecessary, or to expect that we who have supplicated and entred in *Covenant*, are understood to be the Party; especially since the Lords of Council have in the Act *Septemb. 22.* ratifying the Proclamation, found themselves bound to use their best endeavours, that all His Majesties good Subjects may rest satisfied with His Majesties Declaration; since also we have been (although undeservedly) challenged of disorders, distractions, and dangers to Religion, and His Majesties Authority; and since in the foresaid Act, and in the missive directed to His Majesty, the Lords of Council offer their lives and fortunes to His Majesty, in repressing all such as shall hereafter press to disturb the peace of this Kirk and Kingdom; which being expressed in a generality is by many

‘ many applied to us, and interpreted of our adhering to our *Covenant* ;
 ‘ we should therefore, by our subscription of the *Covenant*, as it is now
 ‘ conceived, both do directly against our own minds in condemning our
 ‘ selves, wherein we are innocent, and should consent to our own hurt, to
 ‘ the suppressing of the cause which we maintain, and to the repressing mu-
 ‘ tually one of us of another, directly contrary to our former solemn Oath
 ‘ and subscription.

XV. ‘ The subscribing of this *Confession* by the Lords of His Majesties
 ‘ Privy-Council, who by their place and high employment are publick
 ‘ Peace-makers, and by others who have not subscribed the late *Confession*
 ‘ will make the breach wider, and the lamentable division of this Kirk
 ‘ more desperate than ever before ; some having sworn to labour by all
 ‘ lawful means to recover the former liberty, and purity of Religion ;
 ‘ and others, maintaining that for purity, which is already established ;
 ‘ some believing and professing that the evils supplicated against, are ab-
 ‘ jured in that *Confession of Faith*, and others maintaining the *Confession of*
 ‘ *Faith*, and these Corruptions (although for the present discharged by
 ‘ Authority) not to be inconsistent : and beside this, many divisions and
 ‘ subdivisions will ensue to the doleful renting of the Kirk and Kingdom,
 ‘ making way for the wrath and many judgments of God often threatned
 ‘ by His faithful servants, which all the Godly ought to labour by all
 ‘ means to prevent.

XVI. ‘ We represent also to the Honourable Lords of Privy-Council to
 ‘ be considered, that the Doctrine, Discipline, and Use of Sacraments are
 ‘ sworn, and the contrary abjured, according to the Word of God, and the
 ‘ meaning of the Kirk of *Scotland* in the Books of Discipline, and Acts of
 ‘ Assemblies ; and that in the Oath there is no place left to the generality
 ‘ of any mans conception of the true Faith and Religion, nor to any private
 ‘ interpretation, or mental reservation.

‘ For these and the like considerations, in our own name, and in name
 ‘ of all who will adhere to the late *Covenant*, subscribed by us, and sealed
 ‘ from Heaven, we (from our duty to God, our King, our native Countrey,
 ‘ our selves, and the posterity, lest our silence import a satisfaction of our
 ‘ desires, and a stopping of our mouths from necessary supplication for
 ‘ things yet to be obtained from His Majesties just and gracious disposi-
 ‘ tion) are constrained to declare and protest :

‘ *First*, That the cause and occasion of the distractions of the Kirk and
 ‘ Common-wealth, are no waies to be imputed unto us, or our needless
 ‘ fears, but to the innovations and corruptions of Religion, which, against
 ‘ the Acts and Order of this Kirk, and the Laws of the Kingdom, have
 ‘ been pressed upon us, the People of God, and His Majesties Loyal Sub-
 ‘ jects ; who, although under great thralldom, were living in peace and
 ‘ quietness, labouring in all godliness and honesty to do our duty to God
 ‘ and man.

‘ *Secondly*, We protest, that all questions and doubts that arise concern-
 ‘ ing the freedom of the Assembly, whether in the constitution and mem-
 ‘ bers thereof, or in the matters to be treated, or in the manner and order
 ‘ of proceeding, be remitted to the determination of the Assembly it self,
 ‘ as the onely proper and competent Judge ; and that it shall be lawful
 ‘ for us, being authorised with lawful Commissions, as at other times when
 ‘ the urgent necessity of the Kirk shall require, so in this exigence to assem-
 ‘ ble our selves at the Dyet appointed, notwithstanding any impediment
 ‘ or prorogation to the contrary : and being assembled, against all qualifi-

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cations and predeterminations, or presupposals, to propone, treat, reason, vote, and conclude, according to the Word of God, Confession of Faith, and Acts of lawful Assemblies, in all Ecclesiastical matters pertaining to the Assembly, and tending to the advancement of the Kingdom of Christ, and good of Religion.

Thirdly, Since Archbishops and Bishops have no warrant for their office in this Kirk, since it is contrary both to reason and to the Acts of the Kirk, that any have place and voice in the Assembly, who are not authorised with lawful Commissions; and seeing both in common equity, and by the tenour of this Proclamation, they are made liable to the Tryal and Censure of the Assembly, we protest, that they be not present, as having place or voice in the Assembly, but as *rei* to compeer, for under-lying Tryal and Censure upon the general complaints already made, and the particular Accusations to be given in against them; and that the warning given by His Majesties Proclamation, and this our Protestation, be a sufficient citation to them, to compeer before the Assembly, for their Tryal and Censure, in Life, Office, and Benefice.

Fourthly, We solemnly protest, that we do constantly adhere to our Oath and Subscription of the Confession of Faith and Covenant, lately renewed and approved with rare and undeniable evidences from Heaven, of the wonderful workings of His Spirit in the hearts both of Pastors and People, through all the parts of the Kingdom; and that we stand to all parts and clauses thereof, and particularly to the explanation and application, containing both our abjuration of, and our union against the particular evils and corruptions of the time; a duty which the Lord at this time especially craveth at our hands.

Fifthly, We also protest, that none of us who have subscribed, and do adhere to our subscription of the late Covenant, be charged, or urged, either to procure the subscriptions of others, or to subscribe our selves unto any other Confession or Covenant, containing any derogation thereunto, especially that mentioned in the Proclamation, without the necessary explanation and the application thereof, already sworn by us, for the reasons above expressed: and because, as we did in our former Protestation appeal from the Lords of His Majesties Council, so do we now by these renew our solemn appeal, with all solemnities requisite, unto the next free General Assembly and Parliament, as the onely supreme National Judicatories competent, to judge of National Causes and Proceedings.

Sixthly, We protest, that no subscription, whether by the Lords of Council or others, of the Confession mentioned in the Proclamation, and enjoined for the maintenance of Religion, as it is now already, or at this present time established and professed within this Kingdom, without any innovation of Religion or Law, be any manner of way prejudicial to our Covenant, wherein we have sworn to forbear the practice of Novations already introduced, &c. till they be tryed in a free Assembly, and to labour by all lawful means, to recover the purity and liberty of the Gospel as it was established and professed before the foresaid Innovations: and in like manner, that no subscription foresaid be any derogation to the true and sound meaning of our worthy predecessors, at the time of their subscription in the year 1581. and afterward: withall, warning and exhorting all men who lay to heart the Cause of Religion, against the corruptions of the time and the present estate of things, both to subscribe the Covenant as it hath been explained, and necessarily applied; and as they love the purity and liberty of the Gospel, to hold

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back their hands from all other Covenants, till the Assembly now indicted be convened, and determine the present differences and divisions, and preserve this countrey from contrary Oaths.

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Seventhly, As His Majesties royal clemency appeareth in forgiving and forgetting what His Majesty conceiveth to be a disorder or done amiss in the proceeding of any; so are we very confident of His Majesties approbation, to the integrity of our hearts and peaceableness of our ways and actions all this time past: And therefore we protest that we still adhere to our former complaints, protestations, lawful meetings, proceedings, mutual defences, &c. All which, as they have been in themselves lawful, so were they to us, pressed with so many grievances in his Majesties absence from this native Kingdom, most necessary, and ought to be regarded as good offices, and pertinent duties of faithful Christians, loyal subjects, and sensible members of this Kirk and Common-wealth, as we trust at all occasions to make manifest to all good men, especially to His Sacred Majesty, for whose long and prosperous government, that we may live a peaceable and quiet life in all godliness and honesty, We earnestly pray.

Whereupon a Noble Earl, JAMES Earl of Montross, &c, in name of the Noblemen; M. Alexander Gibson, younger of Durie, in name of the Barons; George Potterfield Merchant, Burghers of Glasgow, in name of the Burrows; M. Harry Rollock Minister at Edendburgh, in name of the Ministers; and M. Archibald Johnston Reader hereof, in name of all who adhere to the Confession of Faith and Covenant lately renewed within this Kingdom, took instruments in the hands of three Notars present, at the said Mercate Cross of Edendburgh, being environed with great numbers of the foresaid Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons, before many hundred witnesses, and craved the extract thereof: and in token of their dutiful respect to His Majesty; confidence of the equity of their cause, and innocency of their carriage, and hope of His Majesties gracious acceptance, they offered in all humility with submiss reverence a copy thereof to the Herald.

Thus did they raise and seek occasions of Quarrel, pretending His Majesty did not indict a free Assembly but put prelimitations upon it. They muster up sixteen Reasons against subscribing the Confession, and conclude with seven Protestations, approaching in the preamble to Blasphemy, while they affirm, that the Covenant made by them was sealed from Heaven. The first Protestation, is *protestatio contra factum*, it being evident in fact that the disorders proceeded from them. The second stands upon the same foot. The third is begging a Question can never be granted them. The fourth is like the Prologue false and impiously impudent, that their Covenant was approved from Heaven by rare and undeniable evidences, when all Christians in the world who have heard of it, affirm such a Combination must come from Hell, the forge of faction, schism and sedition. In the fifth they run into an Act of High-Treason, in an adjudged Case of the Ministers of Aberdeen, who were found Guilty by a Jury, and Condemned for holding an Assembly after it was prorogued by King James, and declining the Authority of His Majesty.

The Covenanters seek occasions of Quarrel.

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The Act of Parliament upon which they were Arraigned was this.

The Eighth Parliament current holden at Edinburgh the twenty second of May, in the Tear of God, 1584. by the Right Excellent, Right High and Mighty Prince JAMES the Sixth, by the Grace of God King of Scots, and three Estates of this Realm.

An ACT confirming the Kings Majesties Royal Power over all Estates and Subjects within this Realm.

FOrasmuch as some persons being lately called before the Kings Majesty and his secret Council, to answer upon certain points to have been enquired of them, concerning some treasonable, seditious, and contumelious speeches uttered by them in Pulpits, Schools and otherwaies, to the disdain and reproach of His Highness, His Progenitors, and present Council; contemptuously declined the judgment of His Highness and His said Council in that behalf, to the evil example of others to do the like if timely remedy be not provided: therefore our Sovereign Lord, and His three Estates assembled in this present Parliament, ratifieth and approveth, and perpetually confirmeth, the Royal Power and Authority over all Estates, aswell spiritual as temporal, within this Realm, in the Person of the Kings Majesty our Sovereign Lord, His Heirs and Successours: and also statuteth and ordaineth that His Highness, His Heirs and Successours, by themselves and their Councils, are, and in time to come shall be Judges competent to all persons His Highness Subjects, of what estate, degree, function, or condition soever they be of, Spiritual or Temporal, in all matters wherein they, or any of them, shall be apprehended, summoned, or charged to answer to such things as shall be inquired of them by our said Sovereign Lord and His Council. And that none of them which shall happen to be apprehended, called or summoned to the effect aforesaid, presume to take in hand to decline the judgment of His Highness, His Heirs and Successours, or their Council in the premises, under the pain of Treason.

The sixth is a repetition even to nauseousness of what they had so often said. The seventh is an unexampled boldness in avowing their confidence of His Majesties Approbation of their Integrity and Peaceableness, whom He had reason to esteem the most seditious disturbers of the Peace of the Kingdom.

The Pulpits
thunder against
the
Kings Decla-
ration.

The next day the Pulpits and private Conventicles rung with bitter invectives and declamations against His Majesties Declaration. One Prayed to God to scatter them in *Israel*, and divide them in *Jacob*, who were the Authors of that scattering and divisive Counsel. Another told the People this new Subscription was an *Italian* device to make them renounce God and perjure themselves, to destroy their Bodies and damn their Souls. These mischievous suggestions they transmitted through the whole Kingdom. Yet the Lords of the Council and even some who were never satisfied before were fully satisfied with it, as were also the greatest part of the Ministers: nay the Table of Ministers would not joyn with the other Tables in the Protestation, only *Rollock* without deputation assisted upon the Scaffold in the name of the Ministers at the publishing of the Protestation. Many thousands even of the Covenanters were satisfied with the Declaration, and Letters of Thanks were particularly sent to the Lord Commissioner from the Magistrates and Ministers of *Glasgow* as follow.

The

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The Letter of the Provost, Bailiffs, and the Council of Glasgou.

Most Honourable and our very good Lord,

HAVING received a Letter directed from your Grace to us with this bearer your Graces Cousin, and having read the same, and heard and weighed His Majesties gracious Proclamation, which was this day proclaimed within this City, to the great joy of all the hearers; we cannot but praise God, who hath endued His sacred Majesty our dread Sovereign, with such wisdom, piety, clemency, and fatherly care of this Church and Kingdom; and pray God for a long and happy Reign to His Sacred Majesty, and His Highness posterity over us and succeeding generations; and shall ever endeavour to approve ourselves His Majesties most loyal subjects; and wish from our hearts all happiness to your Grace, and your Graces most Noble Family, for the well-wishing to this City; and especially for the great pains taken by your Grace in this so weighty an employment, hoping and praying to God that the same may obtain the wished for accomplishment, and shall ever remain

Your Graces most humble and obedient Servants,

Glasgow, Sept. 24.
1638.

James Stewart, Provost.

John Anderson	} Bailiffs.	Colme Campbell
Colme Canpbell		John Barnes
Ninian Anderson		Richard Allane
Gabriel Cunningham		Walter Stirling
William Stewart		Gavine Nesbit
Patrick Bell		John Anderson
Matthew Hamilton		Robert Horner.

The Letter of the Ministers.

Most Honourable and our very good Lord,

HAVING received the Letter directed from your Grace, and having heard and considered his Majesties most gracious Proclamation published this day in this City, with joyful acclamations universally of the hearers, as we of the Ministry and University of Glasgow, who were present, with great contentment and joy of heart applauded thereto; and do praise God who hath inspired our dread Sovereign with such wisdom, piety, clemency, and fatherly care of the Church and Common-wealth of this Kingdom, as is abundantly manifested in the said Proclamation; so we would gladly testifie, by what means we can, our thankfulness to His Majesty, our Crown of rejoycing, and the breath of our nostrils; not omitting our bound duty to your Grace, whom God and His Majesty hath appointed so fit and happy an instrument in this great errand, for your singular prudence, rare piety, and zeal to God, your Prince,
and

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and Countrey, and incredible pains in this honourable and weighty employment, which we pray God may still prosper in your hands, untill it be brought to a full and blessed conclusion, being willing for our part to contribute what lyeth in our poor power by our earnest prayers and best endeavours.

Your Graces humble and

Glasgow, Sept. 24.
1638.

most observant servants,

M. Ro. Wilkie
J. Maxwell
M. Bell, younger.
M. Ga. Forsythe
M. Blair

John Strang
John
Will. Wilkie
Pa. Maxwell.

The proceedings of the Covenanters in the election of members for the Assembly.

A notable Policy.

The Assembly being indicted, the Covenanters resolved not to trust any moderate men, but by Proccessing and protesting against such as were so, they made sure of the most rigid for the Commissioners. And lest they should be disappointed in the design, the Tables Ordered, That every Parish should send a Lay-ruling Elder to vote, as well as the Minister at the Election; by which device they gained these four things:

First, That having at least an equal vote of the Laity, no Minister should be chosen Commissioner to the Assembly but whom they pleased; for six Ministers being the Candidates out of which three were to be chosen, these six were to have no voices, so that the lay-votes must exceed by six.

Secondly, That for the same reason the Ministers in the Presbyteral weekly meetings should never have the casting voice.

Thirdly, That whatever was concluded in the Assembly should also certainly pass in the Parliament, for designing to take away His Majesties negative Voice, all the Nobility and such of the Gentry as were like to be chosen Commissioners for the Shires, were by the Tables Instructions to be chosen Lay-Elders for the Assembly.

Fourthly, Hereby the Laity exempted themselves from all fears of the Power of the Clergy. For though they were resolved to overthrow Episcopacy, they were afraid of the Tyranny of Presbytery of which they heard so much from their Fathers.

These conclusions received great opposition from the Ministers who complained of it as a great Innovation; For,

First, For forty years it had not been practised.

Secondly, When at the Reformation the Ministers being few, the assistance of the Laity was necessary, yet it was provided that their number should be less than the Ministers.

Thirdly, It was never heard of in the Church that Lay-men should vote in chusing Ministers Commissioners to the Assembly: But all in vain, the Tables were resolute to pursue their Design, and the Elections went on according to their secret Instructions.

The Elections being past, the Commissioner pursued the swearing and subscribing the Confession. The morning before the Colledge of Justice the Lords of the Session were to be sworn, Rollock out of the ordinary course was put up to Preach before them, where he indeavoured to persuade them that it was unlawful and plain perjury to swear and subscribe; which

which nevertheless the Lords being twenty, all except four of the false stamp, did there subscribe and swear the said Confession. Thus did the Faction grasp at Sovereignty, continually contemning His Majesties Government and Authority.

Finding their indeavours fruitless with the Lords of the Session, they indeavoured to stop the Subscription abroad by sending Copies of their Protestation. At *Glasgow* the Lord *Lowdan* and others, caused a Libel to be read against the Archbishop in his own Cathedral; and with persuasions and threatnings adjured the Provost, Magistrates and Ministers not to Subscribe. They farther persuaded the People that the Lord Commissioner designed to prorogue the Assembly, and that His Majesty never intended any thing promised in His Declaration. And conceiving they had committed two Errors, one in Petitioning for an Assembly, which they took to be in their own power to indict. *Secondly*, That if in the Assembly His Majesties Acts of Grace should pass into Acts of Assembly, the People might be undeceived, they therefore resolved if possible to force the Lord Commissioner either to Prorogue or Dissolve the Assembly: to this end they resolved to increase the disorders and multiplie their affronts to that degree as should force him to do it, and that then they might indict one by their own Authority. By Letters from the Tables they complained of violence put upon the people to force them to Subscribe the Confession, the Copies of which to the Lord Commissioner follow.

Please your Grace.

WE were glad of the indictment of an Assembly, as the mean to bring our complaints to an end: and as we promised for our part to do our endeavour that all matters might be carried in a peaceable way, and no man troubled in any sort till that time, so did we certainly expect that no violence or molestation should have been used against any of those who had subscribed the late Covenant: and yet, far contrary to our expectation, are brought hither almost every hour grievous complaints from many of the People, in divers parts of the Kingdom, that they are by the threatnings and open violence of some Statesmen, Councillors and Barons, constrained to subscribe a Confession of Faith, and Band; some with blind and doubting minds, and others against their Consciences, to the great trouble of their souls, and great disturbance of the peace of the Country, contrary to such peaceable preparations as should have preceded a perfect pacification at a General Assembly. If we had heard but some complaints of this kind, we would have spared both your Graces pains and our own, but complaints being multiplied more and more, we could not of duty but make some representation thereof to your Grace, that some course may be taken for present suppressing this so irreligious and unjust manner of doing; and for preventing the hard consequences that may ensue from people who are thus pressed to subscribe against their minds, and from others who are joyned in Covenant with them; which, as it is humbly petitioned, so it is confidently expected by

Your Graces humble servants,

Edenburgh, October, 3. 1638.

<i>Cassils</i>	<i>Balmerino</i>
<i>Lothean</i>	<i>Johnstoun</i>
<i>Lindsay</i>	<i>Burgly.</i>
<i>Lowdoun</i>	

To

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To this Complaint so false and unjust, the Lord Commissioner sent this Answer, not to the Table, but to the Lord whose hand was first at it.

My very good Lord,

I Have received from your Lordship and other Noblemen a Letter, containing a complaint against the violence offered to divers of His Majesties Subjects, by Statesmen, Councillours, and others; and that complaint aggravated by your promising and undertaking, for your self and all your adherents, that no man should be troubled till the General Assembly; and your just expectation that the same course should have been held on the other side by Us.

For the former, I know not what Statesmen, Noblemen, or Barons, your Lordship means; for naming none, I know not to whom I shall take my self; nor do I know what violence and threatnings you mean: If you mean His Majesties Commissioners appointed by the King, they requiring His Subjects to subscribe the old Confession and Covenant, by His Authority now renewed, and remonstrating unto them the danger they incur by law in not obeying His Majesties commandment, I hope that cannot be called violence, but duty, the omission whereof must needs be a violation of, and violence offered to His Majesties Sacred Authority: If other violences and threatnings they have used, as your Lordship seemeth to intimate (for their obedience to His Majesties just Authority, I am sure your Lordship will not call violence) they must answer for it, and shall whensoever your Lordships shall make known the Delinquents, But alas, my Lords, tell me now in good earnest, whether you have heard they have used such violence in persuading this Covenant, as hath been used by your adherents in inforcing of yours? hath the blood of Gods Servants, His holy Ministers, been shed, which blood I am afraid keepeth the vengeance of God still hanging over this Land? have men been beaten, turned out of their livings and maintenance, reviled and excommunicated in the Pulpits, and a thousand more outrages acted upon them for not subscribing this Covenant? have none who have subscribed your Covenant done it with blind and doubting minds? if they have, I beseech your Lordships not to call His Majesties Councillours legal proceedings irreligious and unjust, untill you have proved the piety and justice of the proceedings of your own adherents.

For the other, of your undertaking and promising for your parts, that no man shall be troubled till the Assembly, and expecting the like from us, truly I am glad I have it under your Lordships hands; for I think there are few hours of any one day, since the indicting of the Assembly, that from all parts of this Kingdom, I am not vexed with complaints of new processing of Ministers, new with-holding of Ministers stipends unprocessed, heavy complaints of Ministers of your own Covenant, that they are threatned, and that sharply and bitterly, for their declaring of their grief, in being barred of their freedom in the election of their own Commissioners to the General Assembly, and being borne down by the multitude of Lay-voices, and menaced because of their protesting against the same, the complaints of Ministers Non-Covenanters, and Lay-Elders Non-Covenanters, chosen by their Sessions to assist at the election of the Commissioners from the Presbyteries, but turned back for not having subscribed your Covenant, and reviled with bitter words for being so pert as to come thither; Is this the performance of promising, that no man shall be troubled till the Assembly? these are, indeed, preparations very unfit to preceed this Assembly, they being so unpeaceable and like to take up much time, in discussing

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cussing, at that great meeting, the illegality of these Elections. My Lord, the truth is, I shall be as careful to see any wrong offered by His Majesties Commissioners (in urging His Majesties Authority) punished, when I shall know the offences and the offenders, as I am heartily grieved at the proceedings of your Associates: here I am sure, His Majesties Commissioners have been rather backward than forward, but so have not your Lordships adherents been; for they have in very many places proclaimed your Protestation, where His Majesties Declaration hath not been Proclaimed. I hope your Lordship will pardon my unusual prolixity; for I confess I am much troubled to see His Majesties good Subjects led into such misconstructions of His Pious and Religious Intentions towards them. This my Letter, I pray your Lordship to communicate to the other Noble Lords, who subscribed that to me. To your self and them, I pray your Lordship commend the true respects of

Your Lordships

For the Earl of Cassils.

Hamiltoun.

This gave them no satisfaction, for they still continued their reports, and by another Letter expostulated with the Lord Commissioner about a Scotch Ship searched for Arms and Ammunition by one of His Majesties Men of War, and for hindering them from bringing of Horses from England.

The Letter was thus.

Please your Grace,

After your parting from us, we had knowledge from John Wilson Skipper, and sundry of his Passengers newly arrived, that, being at Sea on his way from Holland hither, one of His Majesties small Ships of Eight Pieces, came aboard and searched him for Arms and Ammunition, declaring they did the same by His Majesties Warrant. We do not so much value the hazard of any prejudice, as we are heartily grieved to find any such note of His Majesties displeasure, differencing us from His other Subjects, when our own hearts and the Lord that searched them doth bear witness of our loyalty and affection to His Majesty, especially to have found it now when we are made so secure, both by the hopes of obtaining from His Majesties favour, by your mediation, these ordinary and publick remedies that can fully settle this Church and State, and by assurance from your Grace we should find no such hard dealing, during the time of your employment amongst the subjects here, who trust in your care to prevent speedily the inconvenience of this, as you did in that other late particular anent the arrest of our horses in England. We think this advertisement sufficient to your Grace, who is wounded through our sides if we suffer any thing in this time, being so far interess'd to vindicate us from such prejudice, who do acknowledge our selves to be

Your Graces humble Servants,

Edenburgh, Sept. 28. 1638.

Rothees	Boyd	Elcho
Montross	Loudone	Cranstoun
Home	Balmerino	Baltarres
Weymse	Dalhousie	Burghly
Lindesay	Forrester	Lothiane.

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The Lord Commissioner's Answer was thus.

My Lord.

I Have received a Letter this day signed by your Lordship, and sundry other Noblemen, making mention, that one John Wilson Skipper, being on his way from Holland hither, was searched by one of His Majesties small Ships. This is no new nor unaccustomed thing; for commonly the Captains of His Majesties Ships during the time of being at Sea, do take notice what the loadings of all such Ships are, as they meet with, who trade in the Channel; it being a Prerogative that belongs to His Imperial Crown: I am persuaded, that your Lordship and the rest of my Lords cannot think, but if His Majesty had been desirous to have made stop of importation of Ammunition into this Kingdom this time past, but it would have been an easie matter for Him to have effected; but so little hath he regarded this, as he hath not so much as taken notice of it. And yet it were no strange thing, if His Majesty should give direction to cause examine for what end so great store of Ammunition is imported into this Kingdom, and a little more narrowly to look into our actions; when, by I know not whom, there hath been so much notice taken of such Ammunition, as His Majesty hath thought fit to send hither. For notwithstanding that your Lordship says we are made secure by the hopes of obtaining from His Majesty these remedies that can fully settle this Church and State, yet I may say courses are taken to put fears in His Majesties good Subjects minds, by persuading of them that no such thing is intended: This does too too manifestly appear by the watching and guarding His Majesties Castle, and many other courses; but of this I will write nothing, my intention being only to return Answer of what is writ to me: and therefore for your Lordships satisfaction I shall acquaint His Majesty with the contents of your Letters, who will no doubt give such directions therein, as His good Subjects will have no just cause of complaint. Whereas you have been pleased to say, that you have been assured by me, that you should receive no such hard dealing during the time of my employment; let me desire you to consider this aright, and you will find it none; for neither was that ship stayed from proceeding in their intended Voyage, nor any thing taken from them: nor needs your Lordship to doubt that His Majesty will do any thing (except our own indiscretion provoke him) that may make appear to the world that he makes a difference betwixt us of this Nation and His other Subjects. Be confident, my Lord, that my endeavours have, and do tend to no other end, but to the glory of God, the honour of His Sacred Majesty, and the preserving from ruin this poor distracted Kingdom; and that I have and shall labour to prevent all such accidents as may breed the least stop or hinderance of this wished event, which I hope and am confident that your Lordship and all those noble Lords who have signed this Letter to me, will take the same to heart; and then certainly you will not be so easily moved with such light and sleight reports: nor will your Lordship think that either you or I can be wounded by the Order and Command of so Pious, merciful, and so clement a Prince as is our dread Sovereign, who hath shown himself to be so full of goodnesse, as we must of all men living prove the worst, if we be not thankful to God, and him for it. This my Letter your Lordship will be pleased to communicate to the rest who have writ to me, and esteem of me as

Hamilt. 24. Sept. 1638.

Your Lordships humble Servant

Hammiltoun.

For the Earl of Rothees.

With

With this Answer they were so dissatisfied, that they increased their Guards upon the Castle of *Edinburgh*; appointed a Communion in *Fyfe*, at which they made every one swear not to Subscribe His Majesties Confession and Covenant, and repeated their own; they gave order for a General Fast on Sunday in contempt of His Majesties Proclamation which commanded it on Wednesday the Seventh of *November*.

1 6 3 9.

Upon which the Lord Commissioner sent for the Magistrates of *Edinburgh* to be informed. *First*, Whether at their Communion the like Oath to that in *Fyfe* was to be taken. *Secondly*, Whether they would keep the Fast according to His Majesties Proclamation. *Thirdly*, What order they had taken with those who had reviled and abused Dr. *Eliot* while he was Preaching. To the First they Answered, they thought it unreasonable. To the Second, that they would consult the Ministers. To the Last, that they would endeavour to discover and punish the offenders, which yet they never did. Upon the Fast day which with much ado they were prevailed with to keep on *Wednesday*, they set up two of the greatest Covenanting Ministers, displacing those who were the Ministers of the Great Church, so that rather than hear them inveigh against His Majesty, the Lord Commissioner was forced to keep the Fast at another Church near the Palace.

They Preached publicly, That whoever subscribed His Majesties Confession were perjur'd and villains, citing such as durst reprove those furious speeches, before their Presbyteries and threatening them with Excommunication: the Non-Covenanting Ministers, notwithstanding their Appeal to the Assembly were Suspended and Censured, for which the Lord Commissioner though interesting himself in their behalf, could find no redress; particularly Mr. *David Michel*, though a Warrant was sent from the Council to supersede the Process till the Assembly sate, was suspended for some Doctrine which his Accusers who had excellent memories, had heard him Preach four years before. From hence they proceeded to Process the Archbishops and Bishops, and would have had the Lord Commissioner joyn with them; but he refusing it, as contrary to Law, Justice and Equity, they drew up an infamous Libel which was publicly read in all the Pulpits of *Edinburgh* as follows.

The Presbyterian Ministers the great fomenters of the Rebellion.

The Bill, or the Complaint, of the Noblemen, Barons, Burgesses, Ministers, and Commons, Covenanters, (which were not Commissioners to the Assembly) against the pretended Archbishops and Bishops within this Kingdom, as it was presented to the Presbytery of Edinburgh; with an Act of reference of the Bill, from the Presbytery to the next General Assembly, as it was fully read on the Lords day before noon in all the Churches within the Presbytery of Edinburgh, according to the Act.

Noblemen.

Unto your wisdoms humbly shews and complains; We *John* Earl of *Sutherland*, *John* Earl of *Athol*, *William* Earl of *Dalhousie*, *Mungo* Vicount of *Stormouth*, *Hugh* Lord *Montgomerie*, *David* Lord *Elcho*, *George* Lord *Forrester*, *Arthur* Lord *Forbes*, *John* Master of *Berridale*, *Robert* Lord *Boyd*, *David* Lord *Balcaraes*, *John* Lord *Melvil*.

1639.

Barons and Gentlemen.

Craggemillar, Lugtoun, Buchanan, Young, Dury, Balgonny, Balbirny, Master William Hammilton, Thomas Cragge of Ricarton, John Cowper of Gogar, John Hammilton of Boghall, David Inglis of Ingliston, John Dundas of Newliston, Sir William Cockburne of Langton, Patrick Cockburne of Clerkinton, John Leslie of Newton, Collonel Alexander Leslie, David Barclay of Onwerme, Sir Michael Arnot of Arnot, Sir Michael Balfoure of Deanemill, John Aiton of Aiton, David Beaton of Balfoure, John Lundie of Lundie, Walter Murray of Liviston, Sir John Preston of Ardrie, Walter Cornwall of Bonhard, William Scot of Ardrosse, Robert Forbosse of Ricesse, Sir Andrew Murray of Balvarde, George Dundasse of Dudistone, Sir William Murray of Blebo, Master Robert Preston, William Dickson.

Ministers.

Master William Scot Minister at Cowper, Master George Hammiltoun at Nurburne, Master Walter Grog at Balmerino, Master John Machgil Parson of Fliske, Master Andrew Blackhat at Aberlady.

Burgesses and Commons.

George Bruce of Carnock, George Potterfield a Burgess of Glasgow, John Smith, John Mill, Lawrence Henryson, Richard Maxwell, Burgesses of Edinburgh.

WE, for our selves, and in name and behalf of the rest of the Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons within this Realm of *Scotland*, subscribers of the Covenant, who are not chosen Commissioners to the General Assembly, but who will assist and insist in this Complaint with us, as faithful Christians, as loyal Subjects, and sensible members of this Church and Common-weale, having interest to pursue this popular action, in a special manner and an eminent degree, by which pursuit God may be glorified, Christs Kingdom advanced, that the Church may be restored to her priviledges and liberties, and freed from manifold scandals, from the corrupters of Doctrine with Popery and Arminianisme, of the Sacraments with Superstition and Wil-worship, and of the Discipline with Tyrannie, and from the overthrowers of the peace of this Church and Kingdom by their usurpations and lies, their violent humors, and falshood for their own worldly ends, may be Tryed and Censured accordingly, and so this Church and State made free from the present divisions and combustions, and restored to peace and unity, both with God and amongst themselves, and that His Majesties religious disposition and honour may be cleared to all the world, by the Tryal and Censure of those men who have fraudulently abused His Majesties Name and Authority by their trust and credit with His Majesty: we most earnestly make request, That whereas by the Laws of this Church and Kingdom, and by His Majesties last Proclamation, all His Majesties Subjects, whether Ecclesiastical or Civil, of whatsoever title or degree, if they have exercised an unlimited or unwarrantable power, they are declared and ordained to be liable to the Tryal and Censure of the General Assembly and Parliament, or to any other Judicatory, according to the nature and quality of the offence. And whereas Master *David Lindsey* pretended

Bishop

Bishop of *Edenburgh*, Master *Thomas Sydserfe* pretended Bishop of *Galloway*, Master *Walter Whitefoord* pretended Bishop of *Brichen*, Master *James Wedderburne* pretended Bishop of *Dumblane*, Master *James Fairley* pretended Bishop of *Argyle*, Master *John Spotswood* pretended Archbishop of *Saint Andrews*, (having their residences or dwelling places within the bounds of this Presbytery of *Edenburgh*,) Master *Patrick Lindsey* pretended Archbishop of *Glasgow*, Master *Alexander Lindsey* pretended Bishop of *Dunkell*, Master *Adam Bannatine* pretended Bishop of *Aberdene*, Master *John Gutherie* pretended Bishop of *Murray*, Master *John Maxwell* pretended Bishop of *Rosse*, Master *George Grene* pretended Bishop of *Orkney*, Master *John Abernethie* pretended Bishop of *Caithness*, Master *Neil Campbell* pretended Bishop of the *Isles*, should be Tryed and Censured for their unlimited and unwarranted power.

For whereas it was provided in the Cautions agreed upon in the General Assembly holden at *Montross*, Anno 1600. for bounding of the Ministers votes in Parliament, and concluded to be inserted in the body of the Act of Parliament for confirmation of this vote as a most necessary and substantial point of the same, which was never yet repealed by a lawful Assembly, that the Minister should swear, upon his admission to the Office of Commissioner, to subscribe and fulfil the Cautions agreed upon under the penalties expressed therein, otherwise he was not to be admitted; yet the said Master *David Lindsey*, sometimes Minister of *Brichen*, now pretended Bishop of this Diocese of *Edenburgh*, and pretended Moderator of this Presbytery, with his foresaid Colleagues, the pretended Bishops and Archbishops of this Church *respective*, have taken upon them (without craving or obtaining Commission from the Church as it is set down in that Assembly at *Montross*) the Office and Power to vote in Parliament, without swearing at his or their entrances to subscribe and fulfill those Cautions which are set down under penalties.

In the first Caution it was provided, that he presume not to propound in Parliament, in Council or Convention, any thing in the name of the Church without an express warrant or direction from the Church, under the pain of deposition from his Office; and that he should neither give consent unto, nor keep silence from any thing (amidst these meetings) that might be prejudicial to the liberty of the Church, under the said pain:

But the forenamed Master *David Lindsey*, pretended Bishop of *Edenburgh*, with the rest of his Colleagues *respective* above named, have presumed (having no warrant nor direction from the Church) to propound in Parliament, and to consent to several Acts which have past in Parliament to the prejudice of the Church, as namely, to the Act concerning the Restitution of the State of Bishops, Anno 1606. The Act concerning the Chapter of *Saint Andrews*, Anno 1607. To the Act of Commissariots and Jurisdictions given to Archbishops and Bishops, Anno 1609. To the Ratification of the Act agreed upon in the Assembly of *Glasgow*, Anno 1610. with an Explanation, contrary to the meaning and tenour of the said conclusions, Anno 1612. To the Acts concerning the Elections of Archbishops and Bishops, and to the Acts concerning the Restitutions of Chapters, Anno 1617. To the ratification of the five Articles of *Perth*, Anno 1621. To the Act concerning the Apparel of Churchmen, and to the ratification of the Acts concerning Religion, in which all the former Acts are included, Anno 1633. And to many other several Acts of this kind. In like manner he propounded and gave consent to several Acts of the Privy Council, for the establishing of it, and of the Power of the High Commission, which are

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are against the Laws and Liberties of this Kingdom; and for ratification of several Acts and Sentences given out by them and their Colleagues in that unwarrantable Judicatory: for in the same manner did he propound and consent unto the Acts made in the Privy Council for pressing and bringing in of the *Service-Book*, which would have trod under foot the frame of Gods Publick Worship in this Kingdom, if the Lord had not prevented it. And further, in the last Couvention of the States holden in the Years 1625. and 1629. he did not only keep silence, but propound and give consent to some things which were prejudicial to the liberties of this Church, and he did oppose himself to the just desires and grievances, which were presented in name of the Church for some of her liberties and priviledges, whereas it was provided that he should be bound upon each general Assembly to give an account of the discharge of his Commission since the Assembly going before, and should submit himself to the Censure of the Assembly, and stand to the determinations of it without further Appeal, and should sue for, and obtain ratification of his carriage from the Assembly, under the pain of infamie and Excommunication; but the said Master *David Lindsey*, and his Colleagues *respective* abovenamed, have never given an account of the discharge of his or their Commissions, nor sought nor have obtained ratification of his or their doings from the Assembly.

Whereas it was provided in the third caution, that he should content himself with that portion of the Benefice which should be assigned to him from His Majesty for his livelihood, not hurting or prejudging the rest of the Ministers, or any Minister whatsoever, planted or to be planted within his Benefice, and that this clause was to be inserted in his provision: besides, when Bishops were charged in the Assembly holden in *October; Anno 1578.* to quit the corruptions of that State, there was numbred amongst the corruptions, that they received for the maintaining of their ambition and riot, the emoluments of the Church, which might sustain many Pastors, the Schools and the Poor; but the said Master *David Lindsey* with his Colleagues *respective*, have took provision for their Benefices, and the foresaid clause was not inserted, and he and they have prejudged Ministers, Schools, and the Poor, by taking and enjoying plurality of Benefices.

Whereas it was provided in the fourth Caution that he should not dilapidate nor make a disposition of his Benefice without the consent of His Majesty and the General Assembly; and for the greater warrant of this, that he should interdict himself to the General Assembly not to dilapidate, nor to give consent to the dilapidation of his Benefice made by others, and that he should be contented that an Inhibition should be raised upon him to that purpose; but the said Master *David Lindsey*, with his Colleagues *respective*, have set, and take settled patronages.

Whereas in the fifth Caution it is provided that he should be bound to attend his particular Congregation faithfully in all the points of a Pastor, and that he shall be subject to the Tryal and Censure of his own Presbytery and Provincial Assembly, as another Minister that bears no Commission: In like manner by divers Acts and Constitutions of the General Assemblies and Presbyteries, non-residents are punishable by deprivation; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, have been non-resident from his and their charges for many years; nor have they performed the duties of Pastors by Preaching, Administration of the Sacraments, visiting the Sick, &c, but they have deserted their charges by the

the space now of many years ; neither have they in this subjected themselves to the Tryal of the Presbyteries and Provincial Assemblies.

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That whereas in the sixth Caution it was provided, that in the Administration of Discipline, collation of Benefices, visitation, and all other points of Ecclesiastical Government, he shall neither usurp nor acclaim to himself a power or jurisdiction further over the rest of his brethren, under the pain of deprivation : and in case he did usurp upon the Ecclesiastical Government, if the Synodal Presbyteries, or General Assemblies did oppose, or make impediment unto him ; whatsoever he did in that case should be *ipso facto* null, without a declaratour ; yet the said Master *David Lyndsey* with his Colleagues *respective*, have usurped a jurisdiction in the administration of Discipline, collation of Benefices, visitation, and other points of Ecclesiastical Government, without a lawful warrant from the Church, in exercising power to suspend, deprive, command, and inhibit Excommunication at their pleasure, to fine, confine, imprison, banish Ministers and other professors without the warrant of the laws of the Countrey ; appointing their Moderators over Presbyteries and Synods, prorogating their Dyets, staying their proceedings against Papists, Sorcerers, Adulterers, and other gross offenders, by exacting of contributions to such Commissioners as he pleased to send to Court for his own and his Colleagues affairs ; by depriving, and ordaining of Ministers, not only without the consent of the Presbyteries and Synods, but by ordaining of scandalous and unqualified Ministers, and depriving of learned and religious Pastors ; by ordaining Ministers after a form not allowed of in this Church ; by silencing Ministers for not reading the *Service-Book*, and *Book of Canons* ; by interdicting after a Popish manner, the exercises of Morning and Evening-Prayer in their Churches ; by releasing of Excommunicated Papists ; by contradicting and crossing the votes of the Presbyteries at their pleasure ; by their pretended negative vote directly contrary to this caution ; by Enacting Decrees of Synods without demanding their votes : by changing and falsifying their Acts, when most votes had carried the contrary ; by many ways have they failed in this caution, which are so notorious to the whole Church and to your Wisdoms, that we shall condescend upon the same when we are required.

Whereas in the seventh caution it was provided, that in Presbyteries, and in Provincial and General Assemblies, he shall behave himself in all things, as one of the Brethren of the Presbytery, and be subject to their Censure ; yet the foresaid Master *David Lindsey* with his foresaid Colleagues *respective*, hath not behaved himself as a Brother at these meetings ; he disdains to sit in Presbyteries, or to be subject to their Censures ; he sitteth and over-ruleth in Provincial Assemblies rather as a Lord than a Moderator ; and instead of behaving himself as a Brother in the General Assembly, hath by threatening and silencing, prejudged the liberties of the lawful Commissioners ; when they propounded, reasoned or concluded matters conducing to the liberty of the Church, he forced them to conclude things contrary.

That whereas it was concluded at *Mount Rose*, that none of them who should have vote in Parliament should come Commissioners to the general Assembly, or have vote in it in time to come, unless they had Authority or Commission from their own Presbyteries for that purpose ; yet the said Master *David Lyndsey* with his foresaid Colleagues *respective*, though they had no Authority by Commission from any Presbyteries, have usurped to give votes in the last pretended Assemblies.

Whereas

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Whereas in the seventh Chapter of the Book of Policy, registrated in the Register of the Acts of the Assembly, it was concluded, that in all Assemblies a Moderatour should be chosen by common consent of the whole Brethren assembled together, and it hath been so practised since the beginning of the Reformation, till he and his fellows began to break the Cautions; yet the said Master *David Lindsey*, with his foresaid Colleagues *respective*, have usurped the place of moderation in the last pretended Assemblies, and rather domineer'd than moderated, to bring in novations; yea further, have directed Mandats from themselves as from the representative Church of *Scotland*, which name and power is only competent to general Assemblies; he hath brought in the practice of many Innovations in the Royal Chappel, in the Abbey-Church, and his pretended Cathedral; he hath laboured not only to hinder the ordinary meetings of general Assemblies of this Church, by obtaining letters and charge from Authority to that purpose, but also hath laboured, what in him lay, to take away from the Church the Priviledge of holding general Assemblies yearly, belonging to Her by the Word of God, Acts of this Church, and Laws of this Kingdom.

Whereas it is provided by another Caution, that *Crimen ambitus* shall be a sufficient cause of deprivation of him that shall have vote in Parliament; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, are guilty of the said crime, in seeking of the said offices, and promising and giving good deeds for them.

Whereas it was provided by the Book of Discipline, and Acts of the Assembly *Feb. An. 1569. and Decemb. 1565. and 1567.* that marriage should not be solemnized without asking of banes three several Sabbath days before; yet the said Master *David Lindsey* and his afore said Colleagues *respective*, have given licence to fundry ministers to solemnize marriage without asking three several Sabbaths before; upon which have followed divers inconveniences; a man hath been married to a woman, her husband being alive, and they not divorced; some have been married to persons with whom they have committed Adultery before, and so have been married without the consent or knowledge of their Parents.

Whereas by the Book of Fasting, authoris'd by the general Assembly, and prefixed before the *Psalms*, no set or yearly Fasts are allowed, but disallowed, as contrary to the liberty of the Church, and to the nature of the exercise (a Fast;) yet the said Master *David Lindsey*, and his foresaid Colleagues *respective*, have appointed yearly Fasts, and troubled some godly Professors for not observing the same,

Whereas the Office of a Deacon is set forth in the Book of Discipline, and Book of common Order before the *Psalms*, according to the Word of God, to have no meddling with the Preaching of the Word, or the ministration of the Sacraments, and by the first Confession of Faith ratified in the Acts of Parliament, Chap. 2. 3. Ministers called unto particular flocks have only power of the ministration of the Sacraments; yet the said Master *David Lindsey*, with his foresaid Colleagues *respective*, have given a power to certain Divines whom they make Deacons (men not admitted to the calling of the Ministry) to administer the Sacrament of Baptisme, under the names and titles of Preaching Deacons, and they refuse to admit divers men to the calling of the Ministry before they be admitted to that Order.

Whereas

Whereas it is ordained by the Book of Policy, and Acts of the Assembly, that no man should receive ordination to the Ministry without a present admission to a particular flock; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, have separated the Act of Ordination from the Act of Admission.

Whereas according to the established Order of the Church, and the Acts of the Assembly, the Ordination and Admission of Ministers should be publick, in the presence and with the consent of the Congregation; yet the said Master *David Lindsey* with his foresaid Colleagues *respective*, have given Ordination to some men in other places, not in their own Congregation; and violently have thrust upon them scandalous Ministers.

Whereas Ministers who teach erroneous and corrupt doctrine should be censured by the Book of Discipline, and by the Acts of the Assembly: yet the said Master *David Lindsey* and his foresaid Colleagues *respective*, have taught erroneous and corrupt doctrine themselves, and by their pretended power have preferred to the Ministry men who have taught erroneous doctrine against the Confession of Faith, and Acts of Parliament quoted in our Covenant; and they cherish and maintain them who teach Arminianism and Popery, as conditional Election; Free-will; Resistibility of effectual Grace; the universality of Christ's death; the Merit of it in Heaven and in Hell; a final apostacy of the Saints; the local descent of Christ into Hell; that Christ came into the world *clauso Virginis utero*; Auricular Confession, and Papal Absolution, that the Pope is not Antichrist; that the Church of *Rome* is a True Church; that reconciliation with *Rome* is a thing easie; that the Church of *Rome* errs not in fundamentals; and that she differs not in fundamentals from the reformed Churches; they call in question the imputation of Christ's Righteousness, and they affirm the formal cause of justifying faith, to consist in our inherent righteousness; they affirm that there is a local and circumscriptive presence of Christ in the Sacrament, and they change the Sacrament into a Sacrifice, and the Table into an Altar, the Ministers into Priests. There are other damnable and heretical points of Doctrine which they maintain; of which we shall give particular information in our particular accusation of each one of them *respective*, with the proofs thereof, when we shall be required.

Whereas by the Acts of the Church, no Oaths or Subscriptions should be required from those who enter into the Ministry, but to the Confession of Faith, and to the Book of Policy; yet the said Master *David Lindsey*, with his foresaid Colleagues *respective*, without a warrant from the Church or Parliament, do exact divers Oaths and Subscriptions from them who enter into the Ministry; namely, that they should both in publick and private Prayers commend the Prelats to Gods merciful protection; that they should be subject to the Orders which were now in the Church, or by the consent of the Church, that is, by their consent (as they affirm) should be established; as to the *Service-Book*, and to the *Book of Canons*. The heaviness of this grievance made the most part of His Majesties Subjects to complain in these Articles, that worthy men which have testimonies of their Learning from Universities, and are tryed by Presbyteries to be fit for the work of the Ministry, and for their Gifts and Lives were much desired by the People; yet these men are kept out because they could not be perswaded to subscribe and swear unto such unlawful Oaths, which have no warrant from the Acts of the Church, nor the Laws of the Kingdom; and they were Articles and Oaths conceived according to

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their pleasure : and men of little worth, and ready to swear, were for by-respects thrust upon the people, and admitted to the most eminent places of the Church, and of the Schools in Divinity, which breeds continual complaints, and moves the People to run from their own Parish-Churches, refusing to receive the Sacrament from the hands of Ministers set over them against their hearts, which makes them *not* to render unto them that honour which is due from the People to their Pastors ; and it is a mighty hinderance to the Gospel. to the Souls of the People, and to the peace of this Church and Kingdom.

Whereas in the Assembly holden at *Edinburgh*, in *March*, *Anno* 1587. it was declared that it was neither agreeable to the word of God, nor to the practice of the Primitive Church, that the Administration of the Word and Sacrament, and the ministration of civil and criminal justice should be confounded, that one person could supply both the charges, but that a Minister should not be both a Minister and a Senator in the Colledge of Justice. And in the Assembly holden in *October*, *Anno* 1578, it was reckoned amongst the corruptions of the State of Bishops, which they were charged to forgoe, that they should usurp a criminal jurisdiction, that they should only be called by their own names, or Brethren ; yet the said Master *David Lindsey*, with his foresaid Colleagues *respective*, have assumed to themselves the titles and honours of Lords, they did sit as Senators in the Colledge of Justice, as Councillors in the Privy Council, as Auditors in the Exchequer, and have enjoyed prime Offices of State. The pretended Bishops have usurped the Place and Precedency before all Temporal Lords, the pretended Archbishops before all the Noble Earls of the Land, and the pretended Primate before the prime Officers of State in the Land.

Whereas by the Word of God and Acts of the Assembly, namely, *Anno* 1576. 1577. and 1578. no man should be suffered to be a Minister, unless he be tyed to a particular Flock and Congregation ; and not to be tyed to a particular Flock it is condemned as a corruption of the state of Bishops which they were charged to forgoe ; yet the said Mr. *David Lindsey*, with his Colleagues *respective* foresaid, are Ministers, and will not be tyed to particular Flocks.

Whereas the Office of a Bishop (as it is now used within this Realm) was condemned by the Book of Policy, and by the Act of the Assembly holden at *Dundee*, *Anno* 1580. whereof these are the words ; Forasmuch as the Office of a Bishop (as it is now used and commonly taken within this Realm) hath no sure warrant from Authority, nor good ground out of the Scriptures, but it is brought in by the Folly and corruptions of the inventions of men, to the great hurt of the Church, the whole Assembly of this Church with one voice, after liberty given to all men to reason in the said matter, no man opposing himself to maintain the said pretended Office, do find and declare the said pretended Office, used and termed as is above said, unlawful in it self, as having neither ground nor warrant within the Word of God ; and we do ordain that all such persons which do, or shall hereafter enjoy the said Office, shall be charged simply to dismiss, quit, and leave the same, as an Office unto which they were not called by God ; and that they shall leave off all Preaching, Ministration of the Sacraments, or other Offices of Pastors, until such time as they receive admission *de novo* from the general Assembly, under the pain of Excommunication to be used against them : and if they be found disobedient to contradict this Act in the least point, after due admonition, the sentence of

of Excommunication shall be executed against them. And for the better execution of the said Act, it is ordained that a Synodal Assembly shall be holden in every Province (in which usurping Bishops are) *August, 18.* next to come, in which they shall be cited and summoned by the Visitors of the said Countries to compeer before their Synodal Assemblies; as namely, the Archbishop of Saint *Andrews* to compeer at Saint *Andrews*, the Bishop of *Aberdeen* in *Aberdeen*, the Archbishop of *Glasgow* in *Glasgow*, the Bishop of *Murray* in *Elgin*, to give obedience to the said Act, which if they refused to do, that the Synodal Assemblies shall appoint certain brethren of their Presbyteries to give them publick admonitions out of their Pulpits, and to warn them, if they disobey, to compeer before the next general Assembly to be holden at *Edenburgh, Octob. 20.* to hear the sentence of Excommunication pronounced against them for their disobedience: and to this Act the Bishop of *Dumblane* that then was, agreed, submitting himself to be ruled by it: it was also condemned by the Act of *Glasgow, An. 1581*, which doth ratifie the former Act of *Dundee*, and ordains the Book of Policy, which was approved by several General Assemblies to be registrated in the Books of the Assembly, and enjoined the general Confession of Faith to be Subscribed by all His Majesties Lieges; yet hath the said Master *David Lindsey*, with his foresaid Colleagues *respective*, not only incroached upon the Liberties of Presbyteries and Synods, but hath also took Consecration to the Office of a Diocesan Bishop, without the knowledg or consent of the Church, and against the Acts of it, claiming the Power of Ordination and Jurisdiction, as due to him by that unwarrantable Office.

Besides, the said Master *David Lindsey*, with his foresaid Colleagues *respective*, have, against the Laws of the Church and Kingdom, brought in the Service-Book, the Book of Canons, and the High Commission-Court, and would have changed and overthrown the whole frame of Doctrine of Gods Word, the use of the Sacraments, the Discipline, Liberties and Priviledges of this Church and State, if the Lord had not prevented them; the particulars we shall present to your wisdoms, though it be known to all men, how he and they have abused His Majesties Authority against His Royal Intentions and Declarations, they having moved discontents betwixt the King and His Subjects, by scandalous lyes betwixt Subject and Subject, for which things, complaints have been given in to the Council, which we hold here to be repeated as a part of our complaint, and to be tryed by your wisdoms, and referred to the Assembly.

Besides all these faults, the said Master *David Lindsey* with his Colleagues *respective*, in his life and conversation is slandered constantly as guilty of excessive drinking, whoring, playing at Cards and Dice, swearing, prophane speaking, excessive gaming, prophaning of the Sabbath, contempt of the publick Ordinances and private family-exercises, mocking of the power of preaching, prayer, and spiritual conference, and sincere professors; besides, with bribery, simony, selling of Commissariots places, lyes, perjuries, dishonest dealing in civil bargains, abusing of their vassals, and of Adultery and Incest, with many other offences, of which we shall give the particulars in our particular accusations.

Whereas the Presbytery is the ordinary Judicatory of this Church for trying of these offences, and hath the Ecclesiastical Power for citation of the parties and offenders, with the reference to their complaints to the General Assembly, therefore we most earnestly and humbly beseech your godly wisdoms, as you tender the glory of God, the peace and liberty of

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this Church, the removal of scandals, and punishment of vice, that you will take into your consideration and trial the foresaid many and hainous offences, with the particular reservations and qualifications of them, which we shall present to your Wisdoms, or to the Assembly when it shall be thought convenient; and that you would either take order with it your selves, and censure the offenders, according to the nature of the offences; with the Ecclesiastical pains contained in the Acts and foresaid Canons of this Church and Kingdom, or else make a reference of them to the General Assembly to be holden at *Glasgow*, Nov. 21. and, that the knowledge of these should come to the Delinquents, that you will be pleased to ordain the publishing hereof, to be made by all the Brethren of the Presbytery in their Pulpits upon the Sabbath before noon, with a publick admonition to the offenders to be present at the Assembly, to answer to this complaint, and to undergo the censure and trial of it, and to bring with them the books and scrouls of subscriptions and oaths required from those who enter into the Ministry, with the books of the High Commission Court, and the books of the General Assembly, which they or their Clerk had or have fraudulently conveyed away, together with this certification, that if the said Master *David Lindsey*, with his foresaid Colleagues *respective*, do not appear in the said Assembly, and bring with them the said books, to answer to this complaint in general, and to the particular heads of it, and to submit himself to the tryal and proof of this complaint general, and to the particular heads of it, that there shall be a condign censure of these offenders for their contempt and contumacy; here we humbly beseech your Wisdoms Answer.

The Act of the Presbytery of *Edenburgh*, Octob. 24. 1638. years,
in Answer to this Complaint.

UPon the said day, we the Brethren of the Presbytery of *Edenburgh*, after we had received this Bill and complaint, presented unto us by the *Laird of Buchanan*, the *Laird of Dury the younger*, the *Laird of Carlourie*, *John Smith*, late *Bailiff of Edenburgh*, *John Hammiltoun*, and *Richard Maxwel*, in name of the Noblemen, Barons, Burgeses, and Commons, Subscribers of the Covenant (which are not Commissioners to the General Assembly) against the pretended Archbishops and Bishops of this Kingdom, and after we had read and seriously considered the same, we, according to the desire of the complainers, did and do refer the same to the next General Assembly to be holden at *Glasgow*, November, 21. And we ordain the publishing of this Complaint, and of our reference of it to the Assembly, to be fully read by all the Pastors of the Presbytery upon the next Sabbath before noon out of their Pulpits, with a publick warning and citation to the offenders complained upon; By name, Master *John Spotswood*, pretended Archbishop of *Saint Andrews*, Master *Patrick Lindsey*, pretended Archbishop of *Glasgow*, Master *Thomas Sydserfe* pretended Bishop of *Galloway*, Master *David Lindsey*, pretended Bishop of *Edenburgh*, Master *Alexander Lindsey*, pretended Bishop of *Dunkeld*, Master *Adam Bannatine* pretended Bishop of *Aberdeen*, Master *John Guthrie*, pretended Bishop of *Murray*, Master *John Maxwel*, pretended Bishop of *Ross*, Master *George Greme*, pretended Bishop of *Orknay*, Mr. *John Abernethie* pretended Bishop of *Caithnes*, Mr. *Walter Whitefoord*, pretended Bishop of *Brichen*, Master *James Wedderburne* pretended Bishop of *Dunblane*, Master *James Fayrley*, pretended Bishop of *Argyle*, Master

Nail Campbel pretended Bishop of the Isles, to be present at the said Assembly, to answer to this complaint in general, and to the particular heads of it, to undergo the tryal and censure of it, and to bring with them the books and scrouls of the subscriptions and oaths of them who enter into the Ministry, the Books of the High Commission, and the Book of the General Assembly, which they either had or have fraudulently put away; and if any Pastor within this Presbytery refuse to publish this Citation, we require the Reader of the Church to do it. In like manner we require all parties who have interest, either in pursuing, or specifying, or proving this Complaint, to be present at the said Assembly for that purpose: upon which the complainers took instruments in the hands of the Notary.

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According to this complaint and the warrant of the Presbyteries reference of it, I A. R. warn and admonish the abovenamed offenders to compeer before the next General Assembly to be holden at Glasgow, November, 21. for the causes contained in the complaint, and for the certification expressed in it.

In this detestable Libel is observable the horrible Injustice and Impiety of the Covenanters, For First, The Presbytery of Edenburgh Cite not only that Bishop, over whom they had no Jurisdiction, but the Archbishops and Bishops over whom they could by their own Rules pretend none, they being not Inhabitants of that Presbytery. Secondly, They Cite them as culpable for the breach of Laws which then stood Repealed. Thirdly, For obeying the Articles of Perth and other Acts of Parliament and Assembly then in force. Fourthly, For obeying His Majesty and the Council in those things they pretend to be Innovations. Fifthly, In the sight of God, in the House of God, in the Pulpit, though in their Consciences they did not believe it, they accuse the Bishops of the most flagitious Crimes: and yet at the General Assembly they did not offer to make the least proof of any one particular, nay they took not the least notice of them in the Sentences of Excommunication and Deprivation; a clear instance of the Bishops Innocence, and not their mercy. But this was a sure way to render them odious, and the principal Covenanters found it easie to scandalize them though impossible to prove it. Sixthly, This Citation was contrary to custom and their own practice in other Cases, which was to Cite the person at his dwelling, and if not there to leave a Copy of the Citation and Libel: but against the Bishops it must be made publickly in the Church though forbidden by the Magistrates, and upon a Communion-Day: nay Rollock to gain time to read the Libel dismissed the People without any Prayers or Thanksgiving after the Communion; and began the Afternoon Sermon without any preceeding Prayers, Lessons or Chapters of Scripture; as if the reading of it were more necessary than the Worship or Service of God. Seventhly, The main drift was to raise in the People an abhorrence both of the Person and Calling of Bishops.

The injustice and Impiety of the Covenanters.

But this was not the only trick put upon the People, they must have Miracles to confirm the Covenant. One Mary Michelton who for several years had been distracted by certain fits, was by them reported to be inspired; in which fits thousands resorted to her, she extolled the Covenant, and made bitter invectives against the opposers of it. Rollock her favourite, and as was supposed her Tutor, being desired to Pray with her, answered he durst not do it, it being no good manners for him to speak, while his Master was speaking in her: when as by observation of the most intelligent, it appeared confederacy, and that she was not intranced, for in her pre-

Imposture and Jesuitical Miracle.

Hypocrisie, and Blasphemy.

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pretended raptures she would make pertinent Answers; and all she spake was in favour of the Covenant, that theirs was from Heaven, but that commanded by His Majesty from *Sathan*, and that all its adherents should be confounded, which made it smell strongly of a *Romish* Imposture and a Pious Fraud.

Thus did they endeavour to oblige the Lord Commissioner to dissolve the Assembly that they might indict one by their own Authority, or if he should prorogue it, that they might take occasion to hold it at what place they pleased; to which effect this Letter was written by the Lord *Balmerino*.

Loving Cousin,

I Have lately received advertisement from several friends that are chosen Commissioners for the Assembly, to help them to lodgings in Glasgow; I send you here a Roll of some of our particular friends, whereof you may give a Copy to the Provost and Magistrates, that they (being men of quality) may be accordingly furnished for themselves and their train, with such rooms (at least) as you have provided for me. I hope your Magistrates have been as careful to provide for the Commissioners as for the Councillors, which are not so necessary members of the Assembly as the Commissioners: and if they be not well eased, it may be a great Argument to the Assembly to remove it self elsewhere. I am of opinion, that of the three hundred necessary commissioners of Assembly, the half of them have not provided themselves, as being far distant and unacquainted, hoping in so good a Town to find all commodities for money. I would send a servant to take possession of those Lodgings which can be had, for my self and our friends, that we be not surprised with the Councillors followers, who are to be with you the fifteenth or sixteenth of this instant.

George Potterfield undertook to my Lord Lindsey and other Noblemen, at his last being here, to bespeak three or four of the best Lodgings they designed for such Noblemen as was given him in List; we have heard nothing of his performance. My Lord Lindsey hath written oft-times to me, and I would intreat you to desire George to write with the first occasion to John Smith, or any other he pleaseth here, that we may know his care and account of his undertaking. You will pardon me for this trouble I put you to, being for friends that will be very sensible of it, whereof none are more obliged, and less able to acquite all your favours, than

Your Loving Cousin to dispose of,

Edenburgh, Novemb. 8.
1638.

Balmerino.

I could wish our own friends were as well bestowed near one another as can be; and if I cannot come there the next week, I will send a Servant.

The time of the Session of the Assembly approaching, the Tables send out a second Paper of Publick Instructions throughout the whole Kingdom which were these.

I. That

I. **T**hat all Noblemen Subscribers of the Covenant (except the Noblemen of the West, who shall be ready upon advertisement) meet at Edinburgh, the twelfth of November, and stay there till they go to Glasgow, where they shall all meet on Saturday the seventeenth of November, at the farthest.

II. That the full number of those who are appointed Commissioners by the several shires, to attend this common cause, with four Gentlemen within the bounds of every Presbytery at the least, out of the number of their Assessors, without excluding any voluntaries, that they come to Glasgow the seventeenth day of November, to attend constantly the Assembly, and give their advice in the common cause to the ruling Elders, Commissioners to the Assembly out of these Shires and Presbyteries.

III. That the Burrows appoint (according to their quality and number) two, four, or six of most judicious men to come to Glasgow the seventeenth of November, and there constantly to attend the Assembly, and give their Advice to their Commissioner in this common cause.

IV. That the Fast be observed the fourth day of November universally, with any other days they may conveniently: and if any be repairing to the Assembly, that they keep the Fast where they shall be for the time.

V. That now especially, seeing ruling Elders from particular Congregations are received in Presbyteries, that particular Congregations take such course, that no Minister Commissioner be forced to be absent from the Assembly for want of necessary charges.

VI. That where any hath been deceived or compelled to subscribe this new Covenant, that the Ministers take their Declarations in writing, or by act in the books of Session, or before one witness, that they were forced, deceived, or mistaken: and that every Minister make known, and intimate publickly to the People the printed protestations, containing the reasons against this new subscription; and where the Minister refuseth, that some well affected Gentleman do it.

The Design of these Instructions was to agree upon the Conclusions to be made in the Assembly; to awe the Commissioners so as not to dare to conclude any thing against the sense of the Tables; to shew their contempt of His Majesties Authority, and to procees such as offenders who had subscribed His Majesties Confession.

The Lord Commissioner understanding that according to these Instructions great Troops would meet armed at Glasgow, by Proclamation forbade it, which according to their custom they Answered with a Protestation and Disobedience. Upon the seventeenth of November, he arrived at Glasgow, and was there met by the Council according to His Majesties Direction in the following Letter.

Right Trusty and Right Well-beloved Cousin and Councillour, Right Trusty and Right Well-beloved Cousins and Councillours, We greet you well: As by your Letter We find how well you are satisfied with Our Gracious Pleasure, expressed in Our late Proclamation and Declaration; so We do expect the continuance of your care by your best endeavours, to bring all Our good People to a true sense of Our Royal Intentions, and real care of preferring and advancing the good and peace of that Church and Kingdom, which hath always been and still is one of our chiefest cares. We give you hearty thanks for your affection and pains in this service, and do approve of your course in subscribing it

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of the Confession and Band, and order taken by you for publishing and requiring the like due and thankful acceptance of Our gracious pleasure by all Our good Subjects. And seeing the time of the Assembly doth now approach, We require you to attend diligently upon our Commissioner, until the time appointed for the down-sitting of the said Assembly, and further, to the final ending thereof; that from time to time you may be assisting to him with your best opinions and advices, for preparing and digesting every thing that may conduce to bring this business to be treated upon in the Assembly, to the wished peaceable and happy end. And although We will not doubt but that all Our good Subjects will be careful of every thing that may concern us, or Our Sovereign Authority; yet because that at such publick and general meetings, it is not to be expected that all mens dispositions will be alike, and of one temper, We require you, and that in a more particular manner, according to the trust and confidence We have in your affections to Our Service, carefully to advert, that if any proposition shall be made, which may seem to derogate from Sovereignty, or that true estate of Monarchical Government already established within that Kingdom, or which may impede the peaceable conclusion of this Assembly, that as good Subjects and faithful Councillors and Servants to Us, you assist our Commissioner to withstand the same to the utmost of your power: to whom We will you to give absolute trust in every thing which he in Our Name shall deliver or impart to you, or any of you, in publick or in private, and so we bid you farewell.

From Our Honour of Hampton-Court, Octob. 1. 1638.

The Assembly
at Glasgow be-
gan.

On the twenty first of November, the Assembly began. A Sermon was Preached by the ancientest Minister, who desired them to begin the Action with chusing a Moderator: but the Lord Commissioner told them there was His Majesties Commission for his sitting there to be read first, which was read as follows.

CAROLUS Dei gratia, Magnæ Britannia, Franciæ, & Hiberniæ Rex, fideique Defensor. Omnibus probis hominibus suis ad quos præsentis literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos multiplices regiæ nostræ voluntatis declarationes promulgavimus, quæ tamen minorem spe nostra effectum hæcenus sortitæ sunt: Et nunc statuentes ex pio erga dictum antiquum regnum nostrum affectu, ut omnia gratiose stabiliantur & instaurentur, quod (per absentiam nostram) non alia ratione melius effici potest quam fideli aliquo Delegato constituto, cui potestatem credere possimus tumultus hujusmodi consopendi, aliaque officia præstandi, quæ in bonum & commodum dicti antiqui regni nostri eidem Delegato nostro imperare nobis videbitur. Cumque satis compertum habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei & consilarii, Jacobi Marchionis Hamiltonii, Comitis Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemque ad imperata nostra exequenda sufficienter instructum esse, Idcirco fecisse & constituisse, tenoreque presentium facere & constituere præfatum prædilectum nostrum consanguineum & consiliarium Jacobum Marchionem de Hamiltoun nostrum Commissionarium ad effectum subscriptum. Cum potestate dicto Jacobo Marchioni de Hamiltoun, &c. dictum regnum nostrum adeundi, ibidemque præfatos tumultus in dicto regno nostro componendi, aliaque officia a nobis eidem committenda in dicti regni nostri bonum & commodum ibi præstandi, eoque Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac
rationem

rationem & ordinem in præmissis exequendis servandum declarandi & præscribendi; & quæcunque alia ad Commissionis hujus capita pro commissa sibi fide exequenda, eandemque ad absolutum finem perducendam & prosequendam conferre possunt, tam in Concilio quam extra Concilium, nostro nomine efficiendi & præstandi; idque similiter & adeo libere ac si nos in sacrosancta nostra persona ibidem adessemus. Præterea cum plena potestate dicto Jacobo Marchioni de Hamiltoun, prout sibi videbitur nostro servitio & bono dicti regni nostri conducere, conventum omnium ordinum ejusdem regni nostri indicendi, ac publica comitia & conventus eorundem ordinum eorumve alterius vel utriusque; quibus temporibus & locis sibi visum fuerit statuendi, & ibidem nostram sacratissimam personam cum omnibus honoribus & privilegiis supremo Comissionario nostri Parliamenti & publici conventus incumbentem, similiter adeoque ample sicut quivis supremus Commissionarius quocunque tempore retroacto gavisus est gerendi: Necnon cum potestate præfato Jacobo Marchioni de Hamiltoun Synodos nationales ecclesiæ dicti regni nostri tenendas temporibus & locis quibus sibi visum fuerit indicendi, & ibidem seipsum tanquam nostrum Commissionarium gerendi, omniaque eisdem tenendis inservientia secundum leges & praxin prædictæ ecclesiæ & regni nostri præstandi: Et hac præsentii nostra Commissione durante nostro beneplacito duratura, & semper donec eadem per nos expresse inhibeatur. In cujus rei testimonium, præsentibus magnum sigillum nostrum una cum privato nostro sigillo (quia præfatus Marchio de Hamiltoun impræsentiarum est magni sigilli custos) apponi præcepimus. Apud Oatlands vigesimo nono die mensis Julii, Anno Domini millesimo sexcentesimo trigésimo octavo, & anno regni nostri decimo quarto.

Per signaturam manu S. D. N. Regis suprascriptam.

After which the Lord Commissioner exhorted them to a peaceable and moderate Carriage, gently touching upon the disorderly proceedings before their meeting; at which a Nobleman Lay-Elder took fire and sharply said, they had given his Grace satisfaction for all their proceedings: to which he replied, taking God to witness, they never had. It had like to have grown to a hot contest, but the Assembly broke up for that night. The next day was read His Majesties Letter to the Assembly, which was this.

Although We be not ignorant that the best of Our Actions have been mistaken by many of Our Subjects in that Our ancient Kingdom, as if We had intended innovation in Religion or Laws; yet considering nothing to be more incumbent to the duty of a Christian King, than the advancement of Gods Glory, and the true Religion; forgetting what is past, We have seriously taken to Our Princely consideration such particulars as may settle and establish the Truth of Religion in that Our Ancient Kingdom, and also to satisfie all Our good People of the reality of Our Intentions herein, having indicted a free General Assembly to be kept at Glasgow the twenty first of this Instant; We have likewise appointed Our Commissioner to attend the same, from whom you are to expect Our pleasure in every thing, and to whom We require you to give that true and due respect and obedience, as if We were personally present Our Selves. And in full assurance of Our Consent to what he shall in Our Name promise, We have Signed these, and wills the same for a testimony to posterity to be registred in the Books of the Assembly.

At White-Hall the twenty ninth of October, 1638.

I 6 3 9.

Henderson a most violent and rigid Covenanter chosen Moderator of the Assembly.

* Against his Conscience.

† As if that were then in danger. Returns of Elections from the Presbyteries.

The Assembly will allow the King no negative and but the same Privilege with a Coffer.

Then they called again for the choice of a Moderator. At which time Dr. *Hammilton* presented to the Lord Commissioner a Declinator and Protestation in the name of the Bishops against the Assembly, which was refused to be read till a Moderator was chosen, and the refusal registred. At last they proceeded to the choice, and the Lord Commissioner having entered a Protestation to save His Majesties Prerogative against this their Act of chusing, Mr. *Alexander Henderson* a most rigid Covenanter, was from among the States chosen as was before agreed by the Tables with a *Nemine Contradicente*.

The third day the Bishops Declinator was urged to be read, but again rejected till the Members of the Assembly were constituted; fearing lest there might be some Reasons in the Declinator against the Constitution of it by such Members, which they meant to evade by alledging it was too late for such Reasons, when the Assembly was already constituted, and the Members admitted. Then they proceed to chuse a new Clerk, which was Mr. *Archibald Johnston* an Advocate, Clerk to the Tables at *Edinburgh*: at his admission he made this short Speech, * declaring his unwillingness to accept the Charge; but that at this time he would not be wanting to contribute his part towards the defence of the † Prerogative of the Son of God.

The fourth day they read several Commissions, and when ever a Non-Covenanter or a moderate man was chosen, they either rejected them, or suspended them from voice, till some exceptions against their Election were discussed, which they never intended should, the most rigid Covenanters were sure to be preferred, as was the Laird of *Dun* before the Lord *Carmaegie*, for the Lay-Eldership of the Presbytery of *Brichen*. The fifth day Mr. *Andrew Logie* a Non-Covenanter was rejected, though no exception could be found against his Election, only 'twas said a Petition was presented against him, and till he had answered it he could have no voice: Mr. *William Mackeinzy* was suspended, because in his Commission it was expressed that he should only sit in the Assembly during His Majesties Pleasure. Two Covenanters of *Aberdene* were admitted, chosen only by a few Ministers and the Lay-Elders, and wanting the Clerks hand to the Return, and two Non-Covenanters rejected, though having the Clerks hand and chosen only by the Ministers. The University of *Aberdene* sent only a Professor of Humanity, whose Commission being read gave him no power to vote, and so he was rejected till a whisper came to the Moderators Ear that he was a Covenanter, and then he was presently admitted, though no Divine, nor intended to have a voice, by the Authority of the University who sent him only to take care and give them an account of what might concern the University Affairs.

The Members thus constituted they rejoyced greatly, knowing all things must move according to their Design. His Majesty had appointed for Assessors to the Lord Commissioner the Earls of *Traquair*, *Roxborough*, *Argyle*, *Lauderdale*, *Southesk*, being Lords of the Council, and Sir *Lewis Stewart* an Advocate, but the Assembly absolutely refused to let them have any voice at all, impudently telling the Lord Commissioner, that if His Majesty were there he should have but one voice, and that not Negative; plainly publishing to the world, that in Ecclesiastical Affairs His Majesty had no more power than any Town-Clerk, Taylor, or Sadler, who sat there as a Lay-Elder.

The Assembly was now only the Counterpart of the Tables; and the same things were to be expected from them. They began to laugh at the Bishops.

Bishops Declinator : nay one Mr. *Andrew Ramsey*, being mounted on a form, boasted that he would prove the lawfulness of Lay-Elders, by Scripture, Antiquity, Fathers, Councils, Reformed Churches, and even the Church of *England* ; offering to dispute it with any Person. The Lord Commissioner told him he run no hazard there, for he was sure the Judges would be his Seconds, yet if he pleased either in publick or in private, he would find one should enter the Lists with him upon the subject of his Challenge. But many of his brethren were not pleased with his vain-glorious Challenge, knowing he was never able to make it good.

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A lewd boast of a pert Presbyter.

The next day the Bishops Declinator was read by the Clerk of the Assembly, and entertained with much laughter ; once by a general whisper transmitted through the Assembly they were resolved to have hissed it out ; but by another whisper that design was stopt. The Lord Commissioner spake home to the Reasons of its depressing the Libel against them, which he stiled infamous and scurrilous. The Moderator deplored the obstinacy and impenitency of the Bishops hearts, and in conclusion, they protested they would pursue their Libel against the Bishops so long as they had Lives and Fortunes, *etiam in foro contentissimo*. The Bishops Declinator follows.

The Bishops Declinator entertained with indecent scurrility.

The Declinator and Protestation of the Archbishops and Bishops of the Church of Scotland, and others their adherents within that Kingdom, against the pretended General Assembly holden at Glasgow, Novemb. 21. 1638.

WE Archbishops, Bishops, and other Underscribers for our selves and in name and behalf of the Church of *Scotland* : Whereas it hath pleased the Kings Majesty to indict a General Assembly of the Church to be kept at *Glasgow*, *Novemb. 21. 1638.* for composing and settling of the distractions of the same, First do acknowledge and profess, that a General Assembly lawfully called and orderly convened, is a most necessary and effectual mean for removing those evils wherewith the said Church is infested, and for settling that Order which becometh the House of God ; and that we wish nothing more than a meeting of a peaceable and orderly Assembly to that effect. Secondly, We acknowledge and profess, as becometh good Christians and faithful Subjects, that His Majesty hath Authority, by His Prerogative Royal, to call Assemblies, as is acknowledged by the Assembly at *Glasgow*, 1610. and Parliament, 1612. and that it is not lawful to convene without His Royal Consent and Approbation, except we will put our selves in danger to be called in question for Sedition.

Yet nevertheless in sundry respects, we cannot but esteem this meeting at *Glasgow* most unlawful and disorderly, and their proceedings void and null in Law, for the Causes and Reasons following :

First, Before His Majesties Royal Warrant to my Lord Commissioner his Grace to indict a lawful free General Assembly, the usurped Authority of the Table (as they call it) by their missives and instructions, did give order and direction for all Presbyteries to elect and chuse their Commissioners for the Assembly, and, for seeking of Gods blessing to it, to keep a solemn Fast, *Septemb. 16.* whereas His Majesties Warrant for indicting of that Assembly was not published till the twenty second of that month : so that they preventing and not proceeding by warrant of Royal Authority, the pretended Commissioners being chosen before the Presbyteries were authorized to make Election, cannot be reputed members of a lawful Assembly.

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Secondly, A lawful Assembly must not only be indicted by a lawful Authority (as we acknowledge this to be) but also constituted of such members as are requisite to make up such a body: For if, according to the indictment, none at all do convene, or where the Clergy is called there meet none but Laicks, or more Laicks than of the Clergy, with equal power to judge and determine; or such of the Laicks and Clergy as are not lawfully Authorised, or are not capable of that employment by their places; or such as are legally disabled to sit and decide in an Assembly of the Church: a meeting consisting of such members cannot be thought a free and lawful Assembly: By that Act of Parliament, Ja. 6. par. 3. cap. 46, 1572. Every Minister who shall pretend to be a Minister of Gods Word and Sacraments, is bound to give his assent and subscription to the Articles of Religion contained in the Acts of our Sovereign Lords Parliament, and in presence of the Archbishop Superintendent or Commissioner of the Province, give his Oath for acknowledging and recognoscing of our Sovereign Lord and His Authority, and bring a Testimonial in writing thereupon, and openly upon some Sunday, in time of Sermon or publick Prayers, in the Kirk where he ought to attend, read both the Testimonial and Confession, and of new make the said Oath within a month after his admission, under the pain that every person that shall not do as is above appointed, shall ipso facto be deprived, and all his Ecclesiastical promotions and livings shall be then vacant, as if he were then naturally dead, and that all inferiour persons under Prelats be called before the Archbishops, Bishops, Superintendents and Commissioners of the Dioceses or Province, within which they dwell, as the Act bears.

Thurdly, All of the Clergy convened to this Assembly pretend themselves to be Ministers of Gods Word and Sacraments, and have benefices or other Ecclesiastical Livings: yet nevertheless the most part of them have never in presence of the Archbishop, Bishop, Superintendent or Commissioner of the Diocess or Province, subscribed the Articles of Religion contained in the Acts of Parliament, and given their Oath for acknowledging and recognoscing our Sovereign Lord and His Authority, and brought a Testimonial thereof: and therefore they are ipso facto deprived and their places void, as if they were naturally dead; and consequently having no place nor function in the Church, cannot be Commissioners to this Assembly: *hoc maxime attento*, that the said persons not only have never given their Oath for acknowledging his Majesties Authority, nor can shew no Testimonial thereupon, as they are bound by the said Act; but also having as Subjects comprehended in the representative body of this Kingdom, Promised to acknowledge, obey, maintain, defend, and advance the life, honour, safety, dignity, soveraign authority, and Prerogative Royal of His Sovereign Majesty, His Heirs and Successors, and Priviledges of His Highness Crown, with their lives, lands, and goods, to the uttermost of their power, constantly and faithfully to withstand all and whatsoever persons, powers and estates, who shall presume, prease or intend any wise to impugne, prejudice, hurt or impair the same, and never to come in the contrary thereof, directly or indirectly, in any time coming; as the Acts of Parliament, Jacob. 6. Parl. 18. Cap. 1. Car. Parl. Cap. 1. do proport.

And moreover, being obliged at their admission to give their Oath for performance of this duty of their Allegiance, and to testifie and declare on their conscience, that the King is the lawful supreme Governour, as well in matters Spiritual and Ecclesiastical as Temporal, and to assist and defend all jurisdiction and authority belonging to His Majesty by the Act of Parl. 1612. yet notwithstanding of the said Bands, Acts and Promises, whereby the said persons

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persons are so strictly bound to the performance of the premises; His Majesty having ordained by Act of Council at *Holy-rood-house*, Sept. 24. 1638. and Proclamations following thereupon, that all His Majesties Lieges of whatsoever estate, degree or quality, Ecclesiastical or Temporal, should swear and subscribe the said Confession, together with a general Band for defending His Majesties Person and Authority, against all Enemies within this Realm or without; have not only refused to subscribe the said Band and Confession; but have in their Sermons and other Speeches, dissuaded, deterred, impeded and hindred others of the Lieges to subscribe the same, and publickly protested against the subscription thereof: and thereupon cannot convene nor concur lawfully to the making up of the body of an Assembly of the Kirk, as being deprived and denuded of all place and function in the same.

A General Assembly was condescended to, out of His Majesties gracious clemency and pious disposition, as a Royal favour to those that should acknowledge the same, and acquiesce to His gracious pleasure, and carry themselves peaceably as loyal and dutiful Subjects; which the Commissioners directed to this Assembly supposed to be of the number of those that adhere to the last Protestation made at *Edenburgh*, Sept. 1638. do not so account of, and accept, as appears by the said Protestation, whereby they Protest, That it shall be lawful for them, as at other times, so at this, to assemble themselves notwithstanding any impediment or prorogation to the contrary; as also by continuing their meetings and Table, discharged by Authority, refusing to subscribe the Band according to His Majesties and Councils Command, for maintaining His Majesties Royal Person and Authority, protesting against the same, still insisting with the lieges to subscribe the Band of mutual defence against all persons whatsoever; and remitting nothing of their former proceedings, whereby His Majesties wrath was provoked: thereby they are become in the same state and condition wherein they were before His Majesties Proclamation and Pardon, and so forfeit the favour of this Assembly, and liberty to be members thereof. And others of His Majesties Subjects may justly fear to meet with them in this convention, for that by the Act of Parliament, *James 6. Parliam. 15. cap. 31.* Prelacies being declared to be one of the three Estates of this Kingdom, and by the Act of Parliament, *James 6. Parl. 8. cap. 130.* All persons are discharged to impugn the dignity and authority of the three Estates, or any of them in time coming, under the pain of Treason. And whereas the King by His Proclamation declares Archbishops and Bishops to have voice in the General Assembly, and calls them to the same for that effect, as constantly they have been in use in all Assemblies, where they have been present; as appears by many Acts of the General Assembly, ordaining them to keep and assist at the same, as in the Assembly at *Edenburgh*, the fifteenth of *December*, 1566. At *Edenburgh* the sixteenth of *March*, 1572. At *Edenburgh*, May the tenth, 1586. and by a Letter written by the Assembly, the sixth of *March*, 1573. to the Regent, earnestly desiring his own or his Commissioners presence, and the Lords of Council, and the Bishops at the Assembly: they notwithstanding, by the said Protestation, Sept. 22. declared Archbishops and Bishops to have no warrant for their Office in this Kirk, to be authorised with no lawful Commission, and to have no place nor voice in this Assembly; and withal do arrogate to their meetings a Sovereign Authority to determine of all questions and doubts that can arise, contrary to the freedom of the Assembly, whether in constitution and members, or in the matters to be treated, or in manner and order of proceeding:

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proceeding: which how it doth stand with His Majesties Supremacy in all Causes, and over all Persons, we leave it to that judgment whereunto it belongeth, and do call God and man to witness, if these be fit members of an Assembly, intended for the Order and Peace of the Church.

Fourthly, Giving, and not granting, that the Persons foresaid directed Commissioners in name of the Clergy to this meeting, were capable of that authority, and that the said Presbyteries had the authority to direct Commissioners to the general Assembly; yet have they now lost and fallen from all such right, if any they had, in so far as they have deposed the Moderators, who were lawfully appointed to govern them, by the Bishops in their Synods, and elected others in their place, contrary to the Act of the Assembly at *Glasgow*, 1610. and Act of Parliament, 1612. ordaining Bishops to be Moderators at these meetings; and in their absence, the Minister whom the Bishop should appoint at the Synod. So these meetings having disclaimed the Authority of Bishops, deposed their lawful Moderators, and chusing others without Authority, cannot be esteemed lawful Convocations, that can have lawful power of sending out Commissioners with Authority to judge of the affairs of this Church.

Fifthly, And yet doth the nullity of the Commissions, flowing from such meetings, further appear in this, that they have associate to themselves a Laick-ruling Elder (as they call him) out of every Session and Parish, who, being ordinarily the Lord of the Parish, or a man of the greatest Authority in the Bounds, doth over-rule in the Election of the said Commissioners, both by his Authority and their number, being more than the Ministers, whereof some being ordinarily absent, and five or six, or so many of them put in List, and removed, there remain but a few Ministers to voice to the Election; and in effect the Commissioners for the Clergy are chosen by Lay-men, contrary to all order, decency, and custom observed in the Christian World, no wise according to the custom of this Church, which they pretend to follow: the Presbyteries formerly never associating to themselves Lay-Elders in the Election of the Commissioners to the general Assembly, but only for their assistance in discipline and correction of manners, calling for them at such occasions as they stood in need of their *godly concurrence*, declaring otherwise their meeting not necessary, and providing expressly that they should not be equal, but fewer in number than the Pastors, as by an Act of Assembly at *Saint Andrews*, April 24. 1582. (where Master *Andrew Melvil* was Moderator) doth appear. Like as these forty years by-gone and upwards, long before the reestablishing of Bishops, these Lay-Elders have not been called at all to Presbyteries. And by the Act at *Dundee*, 1597. (whereby it is pretended that Presbyteries have Authority to send these Lay-Commissioners) it doth no way appear that those Lay-Elders had any hand in chusing of the Ministers: and this is the only Act of the Assembly, authorising Presbyters to chuse Commissioners to the general Assembly: nor have Lay-Elders sate ordinarily in Presbyteries upon any occasion these forty years and upwards, nor ever had any place nor voice in Election of Ministers for the general Assembly, and consequently those chosen by them to this Assembly have no lawful Power nor Authority.

Sixthly, Beside, the Persons Ecclesiastical, pretended to be authorised Commissioners to this Assembly, have so behaved themselves, that justly they may be thought unworthy and incapable of Commission to a free and lawful Assembly.

I. For that by their seditious and railing Sermons and Pamphlets, they have wounded the Kings Honour and Sovereign Authority, and animated His lieges to Rebellion, averring that all Authority Sovereign is *Originally* in the *collective body*, derived from thence to the Prince; and that not only in case of negligence, it is *Suppletivè* in the *collective body*, as being communicate from the Commonitie to the King, *Cumulativè* not *Privativè*: but also in case of maladministration, to return to the *collective body*; so that *Rex excidit jure suo*, and that they may refuse obedience.

II. Next, they are known to be such as have either been schismatically refractory and opposite to good Order settled in the Church and State; or such as having promised, subscribed, and sworn obedience to their Ordinary, have never made Conscience of their Oath; or such as have sworn and accordingly practised, yet contrary to their promise and practice, have refused, to the contempt of Authority, and disturbance of the Church; or such as are under the Censures of the Church of *Ireland*, for their disobedience to Order; or under the Censures of this Church, or conveyened, at least deserving to be conveyened before the Ordinaries, or a lawful general Assembly, for divers transgressions deserving deprivation; as first, for uttering in their Sermons, rash and irreverent speeches in Pulpit against His Majesties Council and their proceedings, punishable by deprivation, by the Act of Assembly at *Edinburgh*, May 22. 1590. Next, for reproving His Majesties Laws, Statutes, and Ordinances, contrary to the Act of Assembly at *Perth*, May 1. 1596. Thirdly, for expressing of mens names in Pulpit, or describing them vively to their reproach, where there was no notorious fault; against another Act of the same Assembly. Fourthly, For using applications in their Sermons, not tending to the edification of their present Auditory; contrary to another Act of the same Assembly. Fifthly, For keeping Conventions not allowed by His Majesty, without His knowledge and consent; contrary to another Act of the same Assembly. Sixthly, For receiving of People of other Ministers Flocks to the Communion; contrary to Order, Acts of Assemblies and Councils. Seventhly, for intruding themselves into other mens Pulpits, without calling or authority. Eighthly, For usurping the Authority to convent their Brethren, and proceed against them to the Censures of suspension and deprivation. Ninthly, For pressing the People to subscribe a Covenant, not allowed by Authority; and opposing and withstanding the subscribing of a Covenant offered by His Majesty, and allowed by the Council: Beside many personal faults and enormities, whereof many of them are guilty, which in Charity we forbear to express. But hereby it doth appear, how unfit these persons are to be members of a free and lawful Assembly.

Seventhly, Nor doth it stand with Reason, Scripture, or Practice of the Christian Church, that Lay-men should be authorised to have decisive voice in a general Assembly. In that Act of *Dundee*, 1597. whereby these Elders pretend to have this place, there is no warrant expressed for them, to deliberate and determine. Their presence and assistance we approve, being allowed and authorised by the Prince. The Kings Majesties presence in Person, or by His Delegates, we hold most necessary to see all things orderly and peaceably done; and that he have the chief hand in all Deliberations and Determinations. Nor do we refuse that any intelligent or moderate man may make remonstrance of his opinion. with the reasons of it, in that way that becometh him in a National Assembly, due reverence being kept, and confusion avoided. But that any Lay-man, except he be delegate by Sovereign Authority, shall presume to have a definitive and

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and decisive voice, we esteem it to be intrusion upon the Pastoral Charge and without warrant. May we not therefore intreat my Lord Commissioner his Grace, in the words of the Fathers of the fourth general Council at Chalcedon? *Mitte foras superfluos*. Nor will a Pious Prince be offended with it; but with *Theodosius* the younger will say, *Illegitimum est, eum qui non sit in ordine Sanctissimorum Episcoporum Ecclesiasticis immisceri tractatibus*—And *Pulcheria* the Empress commanded *Strategus*, *Ut Clerici, Monachi, & Laici vi repellerentur, exceptis paucis illis quos Episcopi secum duxerunt*. Upon this respect was *Martinus* in that Council of Chalcedon moved to say; *Non esse suum, sed Episcoporum tantum, subscribere*.

Eighthly, If these pretended Commissioners, both Lay and Ecclesiastical, were lawfully authorised, (as it is evident they are not) and for none other cause declineable, yet the Law doth admit, that justly a Judge may be declined, who is probably suspect: and of all probabilities, this is the most pregnant, when the Judge, before he come to judgment, doth give Sentence of these things he hath to judge. This made our Reformers protestation against the Council of *Trent* valid, and their not compeering justifiable, because Pope *Leo* the Tenth, had precondemned *Luther*, as appeared by his Bull, dated 8. *Junii*, 1520. renewed by *Paul* the Third, dated in *August*, 1535. This was the cause why *Athanasius* would not give his appearance at some Councils, nor *Hosius* of *Corduba*, nor *Maximus* Patriarch of *Constantinople*. But so it is, the most part, if not all of the said Commissioners directed to this meeting have precondemned Episcopal Government, and condemned, at least suspended obedience to the Acts of the general Assembly and Parliament concerning the five Articles of *Perth*, have approved their Covenant as most necessary to be embraced of all in this Kingdom, and not only have given judgment of these things before-hand, but by most solemn Oaths have bound themselves to defend and stand to the same: as doth appear by their Covenant, Petitions, Protestations, Pamphlets, Libels, and Sermons: and therefore by no Law nor Equity can these pretended Commissioners be admitted to determine in this meeting, concerning these persons and points, which before-hand they have so unjustly condemned.

Ninthly, Further, with no Law nor Reason can it subsist, that the same persons shall be both Judges and Parties. And we appeal the consciences of all honest men, if all, at least the greatest part of the pretended Commissioners, have not declared themselves party to the Archbishops and Bishops of this Church: for in that they have declined the Bishops to be their Judges as being their party, (as their Declinators, Petitions, Declarations and Protestations do bear) have they not *simul & semel, & ipso facto* declared themselves to be parties against Bishops; whom they have not only declined, but persecuted by their calumnies and reproaches vented by word and writ, in publick and in private, by invading their persons, opposing and oppressing them by strength of an unlawful Combination; for the subscribing and swearing whereof, they have by their own authority indicted and kept Fasts, not onely in their own Churches, but where worthy men refused to be accessory to these disorderly and impious courses, they have (by aid of the unruly multitude) entred their Churches, usurped upon their Charges, reading and causing to be read that unlawful Covenant; by threatning and menacing compelling some (otherwise unwilling) out of just fear to set their hands to it; by proceßing, suspending, and removing obedient and worthy Ministers from their places by the usurped authority of their Table and Presbyteries? And whereas by all

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Law and Justice, persons finding themselves wronged in Judgment, have never been denied the remedy of Declinatory and appellation; nevertheless not a few of these Presbyteries have proceeded against fundry worthy Ministers, who have declined and appealed from their judgments, without respect to this defence; by these means craftily intending to disable them to be Commissioners for the Church; directly or indirectly causing their stipends to be kept back from them: by which means not the least part of the subscribing Ministers have been gained to their Covenant.

But it is without example uncharitable and illegal, that under the pretext of summons (the like whereof was never used, nor in the like manner against the most hainous malefactors in the Kingdom) they have devised, forged, vented, and published a most infamous and scurrile Libel, full of impudent lies and malicious calumnies against the Archbishops and Bishops of this Church; and have first given out from their Table, the Order prescribed in these subsequent Articles, which we have insert, that the world may be witness of the illegality and maliciousness of their proceedings.

I.

TO desire the Presbytery of every Bishop, especially where he keeps his residence, as also the Presbytery where his Cathedral seat is, to have a special care of this Bill and Complaint against the Prelats, and particularly against the Bishop of their Diocess.

II.

That some Noblemen (if any be within the Presbytery) some Gentlemen and Barons, some Ministers, and some Commons, who are not chosen Commissioners to the Assembly, in their own name, and in name of all other Covenanters or Complainers, either within the Presbytery, or Diocess, or whole Kingdom, who are not Commissioners to the Assembly, will adhere and assist in this Complaint, that they present this Bill to the Presbytery.

III.

That they who are Complainers have a particular care to fill up the blanks left in the Bill, in the subsumptions of the particular faults committed by the Bishop of the Diocess, against these General Rules, Canons and Acts: or if these Blanks will not contain the same, that the Complainers draw up in a particular claim, all the particular faults and transgressions of the Bishop of that Diocess, against these Rules, Canons, and Acts, or any other Law of the Church or Kingdom, and present the same to the Presbytery with this General Complaint. And if they cannot get the particulars presently read, notwithstanding they present without any delay, because of the scarceness of the time, this Complaint as it stands with the blanks: and in the mean time, may gather any other particulars against the Assembly, to which this Complaint is to be referred.

IV.

That the Presbytery finding the Complaint important, and the General Assembly so approaching, refer the same to the General Assembly, by an Act of this reference insert in the Books of the Presbytery.

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V.

That upon this reference of the complaint to the Assembly, the Presbytery admonish the Complainers apud acta, to be present at the said Assembly, for assisting and verifying of the said Complaint.

VI.

That the Presbytery ordain all their Pastors, out of Pulpit on a Sabbath day before noon, to cause read publickly this whole Complaint and the Presbyteries reference to the Assembly, and so to admonish the Bishop of that Diocess, the Delinquent complained upon, with the rest of his Colleagues to be present at the general Assembly, to Answer to the particular Complaint, both in the particular and general Heads thereof, given or to be given in; and to abide the Censure and Tryal of the Assembly thereupon. And likewise, out of Pulpit to admonish all others who have interest either in the pursuing or referring this Complaint, to be present at the said Assembly.

VII.

That the Presbytery insert in their Presbytery-Books the whole tenour of this complaint, both in the general and particular Heads thereof; and that they have a care to cause deliver by their ordinary Beadle, to the Bishop of the Diocess, a Copy thereof, and a Copy of an Act, referring the same to the Assembly, and summon him to compeer before the Assembly. And if he be within the Countrey, and cannot be personally apprehended, to affix a full Copy thereof upon each dwelling place, and upon the most patent door of the Cathedral Church and Episcopal Seat.

VIII.

That the Complainers within the Presbytery where the Bishop is resident, or hath his Cathedral, be careful to keep correspondence with those in other Presbyteries within their Diocess, who best can specify and verifie their Bishops usurpation and transgressions, and who had particular Articles to gather particular Declarations and Informations of the same.

IX.

That some of these Complainers in their own name, and with warrant and power from the rest, without failing attend the Assembly with the general Complaint and particular verifications and specifications of the same.

X.

That in case the Presbytery where the Bishop hath his residence, or where he hath his Cathedral and Episcopal Seat, refuse to receive this Complaint, or refer the same to the Assembly, or to admonish or cite the Bishop delinquent before the Assembly, to Answer to the Complaint; that the Gentlemen and others who are complainers to the Presbyteries, upon their refusal take instrument in the hands of the Clerk of the Presbytery, or any Notary, and protest, that their refusal of the ordinary care of Justice, procured (without doubt)
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by the Bishop of that Diocess delinquent complained of, the equivalent of Law and Reason, be a formal Citation of him, Which Protestation they may affix upon the dwelling House of the said Bishop, or upon his Cathedral Church, or the prime Church within the Presbytery. And that they may deal with any other Presbytery within the Diocess, who is better disposed, and upon their receipt of the Complaint, will refer the same to the Assembly, and cite the Bishop in manner above expressed, to compeer before the said Assembly.

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XI.

Item, Perhaps some Minister within the Presbytery may think some Heads of this Complaint not to be relevant in his Opinion, or know the Bishop not to be guilty of all the particular Heads contained therein: yet he in Justice cannot refuse to refer the trial of the Relevancy and Probation thereof to the general Assembly; especially seeing the Relevancy and Probation of more or fewer points against the Bishop of the Diocess is sufficient, and seeing the subsumption of every particular Head is against the Bishop of the Diocess, with his Colleagues.

XII.

Item, To desire the Presbytery, upon Complaints upon any persons within the same, against any scandalous Minister either in Doctrine or Life, either to judge the Complaint, or refer the same to the Tryal and Censure of the general Assembly, and so to admonish and cite the Ministers complained upon, to compeer before the general Assembly for that end.

According to which Articles, upon Sunday, Octob. 28. they caused read the said Libel in all the Churches of *Edenburgh*, notwithstanding my Lord Commissioners command given to the Provost and Bailiffs to the contrary, except in *Holy-rood-house*, where it was read the next Sunday, as it was in other Churches of the Kingdom; proceeding herein, *First*, Against all Charity, which doth not behave it self unseemly, nor delighteth in the discovery of mens nakedness, nor take up a reproach, nor backbite with the tongue; much less to write a Book against a Brother. *Secondly*, Against the Order prescribed by the Apostle *not to rebuke an Elder, but to intreat him as a Father*: and by the Act of Parliament, Jam. 6. Parl. 8. discharging all persons to impugne or to procure the diminution of the Authority and Power of the three Estates or any of them. *Thirdly*, Against all Lawful and Formal Proceeding, especially that prescribed by the Act of general Assembly at *Perth*, Martii 1. 1596. Whereby it is ordained, that all Summons contain the special cause and crime, which the said Libel doth not; naming only general calumnies, reproaches and aspersions, without instruction of any particular, but leaving these to be filled up by malicious delation, after they have defamed their Brethren by publishing this Libel; as appears by the Eighth and Eleventh Articles of the said instructions; and against the Order prescribed by the Assembly at *S. Andrews*, April the twenty fourth, 1582. Whereby it is Enacted, that in process of deprivation of Ministers, there be a libelled precept upon forty days warning, being within the Realm, and threescore days, being without the Realm, to be directed by the Kirk and such Commissioners thereof, as elects and admits the person complained of, summoning them to compeer and answer upon the complaint. And in case of their absence at the first Summons, the second to be directed upon the like warning, with certification, if he fail, the Libel shall

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be admitted to probation, and he shall be holden pro confesso. Which form not being kept in a Summons inferring the punishment of deprivation, the same cannot be sustained by the Order of that Assembly. *Fourthly*, Against common equity, which admit Summons only by the Authority of that Judge before whom the delinquent is to compeer; whereby the Summons directed by the Authority of these pretended Presbyteries, cannot sustain for compeerance before the general Assembly, nor could reference be made from the Presbytery to the general Assembly, the parties never being summoned to compeer before the Presbytery, whereby either in presence of the party, or in case of contumacy, the complaint might be referred to the Assembly. That there was no citation before the reference is clear by the said instructions. And what a strange and odious form it is to insert such a calumnious Libel in the Presbytery Books, without citing of the parties to answer thereto: and to cite Bishops before the general Assembly by the said Libel, by publishing the same at Churches, to which they had no relation and were many miles distant, we leave it to the judgment of indifferent men. *Fifthly*, Against all decency and respect due to men of their place, the said persons being men of dignity, and some of them of His Majesties most Honourable Privy Council, and known to be of blameless conversation, and to have deserved well, thus to be reviled and traduced, doth redound to the reproach of Church and State, and of the Gospel whereof they are Preachers. *Sixthly*, Lastly, to omit many other informalities against their own Consciences, which we charge in the sight of God, as they must answer before His great and fearful Tribunal, if they suspect and know not perfectly, according to the judgment of Charity, them whom they thus accuse, to be free of these crimes wherewith they charge them, at least of many of them; as appears evidently by the Eleventh Article of the said Instructions, having therein libelled the general, and have yet to seek the specification thereof, from the malice of their neighbours, if so be they can furnish it. By which informal and malicious proceeding, it is most apparent, that our said parties do seek our disgrace and overthrow most maliciously and illegally. And therefore we call Heaven and Earth to witness, if this be not a barbarous and violent persecution, that all circumstances being considered, hath few or none to parallel it since the beginning of Christianity; and if we have not just cause to decline the said pretended Commissioners as our party.

Moreover, can these men expect, but in a lawful Assembly they were to be called and censured for their enorme transgressions foresaid? and will any man think, that they can be Judges in their own Cause? It is alledged out of the Canon-Law against the Pope, that if the Pope be at variance with any man, he ought not to be Judge himself, but to chuse Arbitrators. And this may militate against them, except they be more unruly than Popes. *Ludovicus Bavarus* and all the Estates of Germany with him, did plead this nullity against the sentence and proceeding of Pope *John* the Twenty Second, and of his Council: and the Archbishop of *Cullen*, 1546. did plead the nullity of *Paul* the Third his Bull of Excommunication, because he protested, that so soon as a lawful Council should be opened, he would implead the Pope as party, being guilty of many things Censurable by the Council.

Tenthly, But the late Protestation doth shew the Authors thereof to be no less injurious to our Place and Authority, than they are over-weening of their own. For it is against Reason and Practice of the Christian Church, that no Primate, Archbishop, nor Bishop, have place nor voice deliberative

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or decisive in general Assemblies, except they be Authorised and Elected by their Presbyterial meetings, consisting of Preaching and Ruling Elders (as they call them) and without warrant or example in the Primitive and purest times of the Church.

This also doth infer the nullity of an Assembly, if the Moderator and President for matters of Doctrine, and Discipline, shall be neither the Primate, Archbishop, nor Bishop, but he who by plurality of Presbyters and Lay-mens voices shall be Elected: which happily may be one of the inferiour Clergy, or a Lay-person, as sometimes it hath fallen out: whereas Canonically, according to the ancient Practice of the Church, the Primate should preside, according to the constitution of the first Council of Nice, Can. 6. of *Antioch*, Can. 9. and of the Imperial Law, Novel. constit. 123. cap. 10. and according to our own Law. For what place in Assemblies Archbishops and Bishops had in other Christian Nations, the same they had (no doubt) in *Scotland*, and yet still do retain, except by some municipal Law it hath been restrained, which cannot be shown. For the restraint of their Authority by the Act of Parliament, 1592. is restored by the Act of Parliament, 1606. and 1609. and all Acts prejudicial to their jurisdiction abrogated. Neither doth that Act, 1592. establishing general Assemblies, debar Bishops from presiding therein; nor the abrogation of their Commission granted to them by Act of Parliament in Ecclesiastical Causes, imply and infer the abrogation of that Authority which they received not from the Parliament but from Christ, from whom they received the Spiritual oversight of the Clergy under their Charge; whereto belongeth the Presidentship in all Assemblies for matters spiritual, always with due submission to the supreme Governour: which is so intrinsically inherent in them, as they are Bishops, that *hoc ipso* that they are Bishops, they are Presidents of all Assemblies of the Clergy: as the Chancellour of the Kingdom hath place in Council and Session, not by any Act or Statute, but *hoc ipso* that he is Chancellour. By Act of Parliament Bishops are declared to have their right in Synods and other inferiour meetings, but by no Law restrained nor debarred from the exercise of it in National Assemblies: and the Law allowing Bishops to be Moderators of the Synods, doth present a List in absence of the Metropolitan, to whom of right this place doth belong, as said is, out of which the Moderator of the general Assembly shall be chosen. For, is it not more agreeable to Reason, Order, and Decency, that out of Moderators of Synods a Moderator of the general Assembly should be chosen, than of the interior Clergy subject to them?

As concerning that Act of the general Assembly, 1580. whereby Bishops are declared to have no warrant out of Scripture, if corruption of time shall be regarded, the authority of that Assembly might be neglected no less than that at *Glasgow*, 1610. But it is ordinary that prior Acts of Assemblies and Parliaments give place to the posterior: for *Posteriora derogant prioribus*. And there past not full six years when a general Assembly at *Edenburgh* found, that the name of Bishops hath a special charge and function annexed to it by the Word of God; and that it was lawful for the general Assembly to admit a Bishop to a Benefice, presented by the Kings Majesty, with power to admit, visit, and deprive Ministers, and to be Moderators of the Presbyteries where they are resident, and subject only to the sentence of the general Assembly.

As for that Act at *Montross*, let them answer to it that have their calling by that Commission. We profess that we have a lawful calling by the Election of the Clergy, who are of the Chapter of our Cathedrals, and

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consecration of Bishops by His Majesties consent and approbation, according to the laudable Laws and ancient Custom of this Kingdom, and of the Church in ancient times, and do homage to our Sovereign Lord for our Temporalities, and acknowledge him *solo Deo minorem*, next unto God in all Causes, and over all Persons Spiritual or Temporal, in his own Dominions Supreme Governour. But now we may take up Cyprian his complaint, *Lib. 3. Ep. 14. Quod non periculum metuere debemus de offensa Domini, quando aliqui de Presbyteris nec Evangelii nec loci sui memores, sed neque futurum Dei judicium, neque præpositum sibi Episcopum cogitantes, quod nunquam omnino sub antecessoribus factum est, cum contumelia & contemptu præpositi, totum sibi vendicent? Atque utinam non prostrata fratrum nostrorum salute sibi omnia vendicarent. Contumelias Episcopatus nostri dissimulare & ferre possem, sicut dissimulavi semper & pertuli; sed dissimulandi nunc locus non est, quando decipiatur fraternitas nostra à quibusdam vestrum, qui dum sine ratione restituendæ salutis plausibiles esse cupiunt, magis lapsis obsunt.*

Twelfthly, Lastly it is most manifest by the premises, how absurd it is, and contrary to all reason and practice of the Christian Church, that Archbishops and Bishops shall be judged by Presbyters; and more absurd, that they should be judged by a mixt meeting of Presbyters and Laicks, convening without lawful authority of the Church. How, and by whom they are to be judged, according to the custom of ancient times, may be seen by the Council of *Chalcedon, Can. 9.* and *Concil. Milevit. Can. 22.* and *Concil. Carthag. 2. Can. 10.* Nor do we decline the lawful Tryal of any competent judicatory in the Kingdom, especially of a general Assembly lawfully constitute, or of His Majesties High Commissioner, for any thing in Life or Doctrine can be laid to our charge: only we declare and affirm, that it is against Order, Decency and Scripture, that we should be judged by Presbyters or by Laicks, without Authority and Commission from Sovereign Authority.

For the Reasons foresaid, and many more, and for discharge of our duty to God, to His Church, and to our Sacred Sovereign, lest by our silence we betray the Churches Right, His Majesties Authority, and our own Consciences, we for our selves, and in name of the Church of *Scotland*, are forced to Protest, that this Assembly be reputed and holden null in Law Divine and Human, and that no Church-man be holden to appear before, assist or approve it; and therefore, that no Letter, Petition, Subscription, Interlocutor, Certification, Admonition, or other Act whatsoever proceeding from the said Assembly, or any member thereof, be any wise prejudicial to the Religion and Confession of Faith by Act of Parliament established, or to the Church, or any member thereof, or to the Jurisdiction, Liberties, Priviledges, Rents, Benefices, and possessions of the same, Acts of general Assembly, of Council and Parliament in favours thereof, or to the Three Estates of the Kingdom, or any of them, or to us, or any of us, in our Persons or Estates, Authority, Jurisdiction, Dignity, Rents, Benefices, Reputation, and good Name: but on the contrary that all such Acts and Deeds above-mentioned, and every one of them are, and shall be reputed and esteemed unjust, illegal and null in themselves, with all that hath followed or may follow thereupon.

And forasmuch as the said Assembly doth intend (as we are informed) to call in question, discuss, and condemn things not onely in themselves lawful and warrantable, but also defined and determined by Acts of general Assembly and Parliaments, and in practice accordingly, to the disgrace and prejudice of Reformed Religion, Authority of the Laws and

Liberties

Liberties of the Church and Kingdom, weakning His Majesties Authority, disgracing the profession and practice which he holdeth in the Communion of the Church where he liveth, and branding of Reformed Churches with the foul aspersions of Idolatry and Superstition; we protest before God and man, that what shall be done in this kind, may not redound to the disgrace or disadvantage of Reformed Religion, nor be reputed a deed of the Church of *Scotland*.

We Protest that we embrace and hold, that the Religion presently professed in the Church of *Scotland*, according to the Confession thereof, received by the Estates of this Kingdom, and ratified in Parliament the year 1567. is the true Religion bringing men to Eternal Salvation, and do detest all contrary Errour.

We Protest, that Episcopal Government in the Church is lawful and necessary: and that the same is not opposed and impugned for any defect or fault, either in the Government or Governours; but by the malice and craft of the Devil, envying the success of that Government in this Church these many years by-past, most evident in planting of Churches with able and learned Ministers, recovering of the Church Rents, helping of the Ministers stipends, preventing of these jars betwixt the King and the Church, which in former times dangerously infested the same, keeping the people in peace and obedience, and suppressing of Popery, which, in respect either of the number of their Professors, or boldness of their Profession, was never at so low an ebb in this Kingdom as before these stirs.

We Protest that, seeing these who for scruple of Conscience did mislike the Service-Book, Canons, and High-Commission, which were apprehended or given forth to be the cause of the troubles of this Church have now received satisfaction, and His Majesty is graciously pleased to forget and forgive all offences by-past in these stirs, that all the Subjects of this Kingdom may live in Peace and Christian Love, as becometh faithful Subjects and good Christians, laying aside all hatred, envy and bitterness; and if any shall refuse so to do, they may bear the blame, and be thought the cause of the troubles that may ensue: and the same be not imputed to us, or any of us, who desire nothing more, than to live in peace and concord with all men under His Majesties obedience; and who have committed nothing against the Laws of the Kingdom and Church, that may give any man just cause of offence; and are so far from wishing hurt to any man, in his person or estate, notwithstanding all the indignities and injuries we have suffered, that for quenching this present combustion, and settling Peace in this Church and Countrey, we could be content (after clearing of our innocency of all things wherewith we can be charged) not only to lay down our Bishopricks at His Majesties feet, to be disposed of at His Royal Pleasure, but also, if so be it pleased God, to lay down our Lives, and become a Sacrifice for this Attonement.

We Protest in the Sight of God, to whom one day we must give account, that we make use of this Declinator and Protestation out of the Conscience of our Duty to God and His Church, and not out of fear of any guiltiness, whereof any of us is conscious to himself, either of wickedness in our Lives, or miscarriage in our Callings; being content every one of us, for our own particular (as we have never shewn our selves to be otherwise) to undergo the lawful and most exact trial of any competent judicatory within this Kingdom, or of His Majesties High Commissioner.

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And we most humbly intreat his Grace, to intercede with the King's Majesty, that he may appoint a free and lawful general Assembly, such as Gods Word, the Practice of the Primitive Church, and Laws of the Kingdom do prescribe and allow, with all convenient speed, to the effect the present distractions of the Church may be settled. And if there be any thing to be laid to the charge of any of the Clergy, of whatsoever degree, either in Life and Manners, or Doctrine, or Exercise of his Calling and Jurisdiction, he may be heard to answer all Accusations, and abide all Tryal, either for clearing his innocency, or suffering condign punishment, according to his transgressions: declining always this Assembly, for the causes above-written: Like as by these presents, we, and every one of us, decline the same, the whole members thereof, and Commissioners foresaid directed thereto, and every one of them.

We Protest, that this our Protestation, in respect of our lawful absence, may be received in the name of us under-subscribing for our selves, and in the name of the Church of *Scotland* that shall adhere to the said Protestation, and in the name of every one of them, from our well-beloved Dr. *Robert Hamiltoun*, Minister at *Glasford*, to whom by these presents we give our full power and express mandate to present the same in or at the said Assembly, or where else it shall be necessary to be used, with all submission and obedience due to our Gracious Sovereign, and His Majesties High Commissioner: and upon the presenting and using thereof, acts and instruments to crave, and all other things to do that necessarily are required in such cases: firm and stable holding, or for to hold, what he, or any of them, shall lawfully do in the premises.

In witness whereof, as we are ready with our blood, so with our hand we have subscribed these Presents, at the Palace of *Holy-rood-house*, *New-Castle*, and *Glasgow*, the sixteenth, seventeenth, and twentieth days of November, 1638. & sic subscribitur.

Jo. S. Andreae Arch.
Pa. Glasgou.
Da. Edenburgen,
Tho. Gallovidien.
Jo. Rossen.
Walterus Brechinen.

After this were read divers Protestations against the Assembly, the Lay-Elders, and the Choice of the Commissioners, one of which follows.

The Supplication and Humble Remonstrance of the Ministers of the Church of *Scotland*, presented to His Majesties High Commissioner, and general Assembly held at *Glasgow*, in November, 1638.

May it please your Grace,

AND you Right Noble, Right Worshipful, and you Most Reverend Brethren, convened by His Majesties Proclamation in this venerable National Assembly, to Consult upon the most convenient ways, and to Enact such Ecclesiastical Laws, as to your wisdoms seem most expedient, for preserving of Peace and Truth in this Church, for which ends we from the bottom of our hearts (as feeling members of the same) earnestly intreat him, who hath promised

promised to be with his own to the end of the world, by His Spirit and Grace, so to direct and assist your wisdoms, that by this long expected meeting, glory may redound to His ever Glorious Name, and Peace to this rent Church, which all the members thereof, with most earnest wishes, expect at your hands. For the present, we thought it our duty, as those whom it doth most clearly concern (our great Shepherd having committed to our charge a part of that Flock which He hath redeemed with His precious Bloud) to present unto you our just fears which arise from the sudden incroaching of the Laick (now called Ruling) Elders, in divers Presbyteries of this Kingdom, having chief hand in chusing of Commissioners there, lest they, with Commissioners thus elected, may bring upon the neck of the Ministry and Church here, the heavy yoke of over-ruling Elders in all times coming, to the no small hurt of us and our successors in the Gospel, except timely remedy be provided.

Our humble Supplication therefore to your Grace, and members of this present Assembly, is, that all these Commissioners thus chosen by the voice of Laick Elders, and in whose Commissions they have had hand, may be removed, as men to whose voices and judgments we cannot submit our selves in matter of Church-Government, for the just fears above exprest, they being justly suspect Judges not to be admitted, and their Elections and Commissions void for Reasons following:

First, There is no Law in this Kingdom whereby Laick Elders have any voice in chusing Commissioners to general Assemblies; the chusers therefore having no legal power to elect, those that are chosen by such, can have no place nor voice in this Assembly.

Secondly, Albeit there have been heretofore, and before Churches were fully planted, a custom that Laick Elders did sit in Presbyteries, yet that custom hath been these thirty five years by-past, universally (and above forty years in most Presbyteries) interrupted; which prescription is sufficient to make void any such custom: so that it can be no sufficient warrant for them to sit and voice in Presbyteries now, much less to intrude themselves (as they have done in many Presbyteries) contrary to the minds and publick protestation of the Ministry.

Thirdly, When Laick Elders had place in Presbyteries, yet it was ordained that the voices should not be equal in number, with the voices of the Ministry, as is to be seen in the

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Chapter. But in this Election, their number were not only equal, but in most parts more, because out of every Parish there was a Laick Elder, and so at least equal in number; and in Election of these Commissioners, against whose Election we except, there was put upon the List six in some places, and in others four of the Ministers, who being removed, in their absence the choice was made when the Laick Elders by six or four at the least exceeded the Ministers in number of voices, yea in some Presbyteries the Laick Elders were twice so many in number; so that these Commissioners are mainly chosen by the Laity, and not by the Ministers, neither can we acknowledge them for ours.

Fourthly, These Laick Elders did of old onely assist in Discipline, not meddling with points of Doctrine (suffering the Spirit of the Prophets to be subject to the Prophets, according to the Apostolical Rule;) but now they intrude themselves to sit and voice in the Presbyteries in matters of Doctrine, and have given Commission to those whom we except against, to voice in this venerable Assembly, in Doctrine as well as in matters of Discipline; which Commissions are null, as proceeding a non habente potestatem.

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For these and other most weighty Causes, the election of such Commissioners, and their place in this Assembly being so dangerous to the Church, threaten the same with the most intolerable yoke of bondage to be laid upon the neck of the Presbyteries by Laick over-ruling Elders, to the prejudice of the liberties of the said Presbyteries, and whole Discipline of this Church. We could not out of Conscience to God, our Callings, and Flocks, but make humble remonstrance of the same to your Grace and members of this grave Assembly: withal Protesting, both in our own names, and in name of all the Ministry and body of this Church that will adhere to this present Supplication, that all Sentences, Conclusions, Canons, Statutes and Ordinances, which shall be made in that Assembly wherein the foresaid Commissioners shall have determinative voice, to be void, null, and of no effect to oblige us or any of us to the obedience of the same: but if this our just Supplication be not admitted (which we hope and earnestly pray may be graciously accepted) then this our Protestation may be of force against such Laws and proceedings that may follow thereupon. Thus hoping for your charitable construction of this our necessary duty in so eminent a danger of the Church, and humbly intreating these presents may be put upon Record, We rest.

A notable instance of the craft and juggling of the Covenanters.

When the Protestation of the Presbytery of Glasgow was begun to be read, the Principal of the Colledge desired it might be forborn: the Lord Commissioner who had it from him and delivered it, pressed the reading, but the Moderator refused, alledging any person might withdraw his Protestation, much more desire the forbearance of reading it, the Lord Commissioner added, it was subscribed by the whole Presbytery and could not be recalled by any one without the consent of the rest. But all in vain; it was a point concerned the Reputation of the Assembly which would have suffered deeply by such a strong Protestation from that Presbytery where the Assembly sat; so they would neither read it nor return it. The Principal had reason for what he did, for the night before, the Lord Lowdon, the Moderator, and others had been with him, and told him he must not live quietly there or in Scotland if he did not either withdraw it, or if that could not be done it being in the Lord Commissioners hands, desire the forbearance of reading it: his wife also with tears told him that the Lord Lindsey had sworn to her, that both he and his must be utterly ruin'd if that Protestation were not recalled.

The Lord Commissioner finding there was no Justice to be expected, and that this Assembly would never do any thing towards the resettlement of Peace, but pursue their rebellious resolutions to root out of the Kingdom both the Persons and Calling of Bishops, resolved according to His Majesties Instructions in that point to dissolve the Assembly, whose aim was to rob His Majesty of His Sovereign Power, and to put it in the hands of Commissioners, who were to sit after the dissolution of the Assembly till a new one was indicted; the Council therefore met the next day and concurred with him in that resolution.

Two days before, the Clerk brought four volumes into the Assembly which he said by the wonderful providence of God he had rescued from Oblivion, they contained the Acts of the General Assemblies since the Reformation. A Committe was ordered to inspect them, and report whether they were authentick. That day being the twenty eighth of November, * they report that they had perused them and that they were authentick. Upon which it was put to the vote, whether hereafter they should be reputed the authentick Records of the Church of Scotland.

* This they did in two days, though others thought they could not have done it in a year.

The

The Lord Commissioner prayed they would forbear, till His Majesty were satisfied they were so: but though they were but Copies yet were they voted Records without contradiction. Upon which the Lord Commissioner entred a solemn Protestation against the validity of those Records. Next were read some Reasons, as they said suddainly drawn up against the Bishops Declinator, and which appeared to be so being done without fear or wit. After which happened a long contest about Lay-Elders, at last they fell upon the affair of the Bishops, and the Moderator going to put it to the vote, whether the Assembly be lawful, and competent Judge of the Libel against the Bishops, notwithstanding the Reasons contained in the Declinator, the Lord Commissioner made a Speech to this effect.

I 639.

I should perhaps have continued a little longer with you, if you had not fallen upon a point which doth enforce my deserting you: You are now about to settle the lawfulness of this Judicatory, and the competency of it against the Bishops, whom ye have cited hither; neither of which I can allow, if I shall discharge either my duty towards God, or loyalty towards my gracious and just Master. This is a day to me both of gladness and sadness; gladness in that I have both seen this Assembly meet, which His Majesties Subjects have been made believe was never intended by Him, and in that I shall now in His Majesties Name make good unto you all His most gracious offers in His last Royal Proclamation, which likewise His Majesties Subjects were made believe would never be performed by Him: Of sadness, in that you who have called so much for a free general Assembly, having one most free, in His Majesties Intentions, granted you, have so handled and marred the matter, that there is not the least shadow of freedom to be discerned in this your meeting: for the former, which is the discharge and performance of your Sovereigns gracious promises, let this Paper, which I deliver to the Clerk to be read, witness it to you all, which I am sure you cannot chuse but receive with all thankfulness and dutiful acknowledgement of His Majesties Piety, Goodness, and Clemency, unless all Religion and Goodness be quite banished out of this Land:

Here the Clerk publickly read the Paper which followeth.

THE King's Majesty being informed, that many of His good Subjects have apprehended, that by the introducing of the Service-Book, and Book of Canons, the in-bringing of Popery and Superstition hath been intended, hath been graciously pleased to discharge, like as by these he doth discharge the Service-Book, and Book of Canons, and the practice of them or either of them: and annulleth and rescindeth all Acts of Council, Proclamations, and all other Acts and Deeds whatsoever, that have been made and published for establishing them, or either of them; and declareth the same to be null, and to have no force nor effect in time coming.

The King's Majesty, as He conceived, for the ease and benefit of His Subjects, established the High-Commission, that thereby Justice might be ministered, and the faults and errors of such persons as are made liable thereto, taken order with and punished, with the more conveniency and less trouble to the People: But finding His gracious intentions therein, to be mistaken, hath been pleased to discharge, like as by these presents he doth discharge the same, and all Acts and Deeds whatsoever made for establishing thereof. And the King's Majesty being informed, that the urging of the five Articles of Perth's Assembly hath bred distraction in the Church and State, hath been graciously

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pleased to take the same to His Royal Consideration, and for the quiet and peace of this Countrey, hath not only dispensed with the practice of the said Articles, but also discharged all and whomsoever persons from urging the practice thereof, upon either Laic or Ecclesiastical Persons whatsoever: And hath freed all His Subjects from all Censure and Pains, whether Ecclesiastical or Secular, for not urging, practising, or obeying them, or any of them, notwithstanding of any thing contained in the Acts of Parliament, or general Assembly to the contrary. And His Majesty is further contented, that the Assembly take the same so far into their consideration, as to represent it to the next Parliament, there to be ratified as the Estates shall find fitting.

And because it hath been pretended, that Oaths have been administred different from that which is conceived in the Acts of Parliament, His Majesty is pleased to declare by me, that no other Oath shall be required of any Minister at his entry, than that which is set down in the Act of Parliament.

And that it may appear how careful His Majesty is, that no corruption or innovation shall creep into this Church, neither yet any scandal, vice, or fault of any person whatsoever (Censurable or Punishable by the Assembly) go unpunished, His Majesty is content to declare by me, and assure all His good People, that general Assemblies shall be kept so oft as the Affairs of this Church shall require.

And that none of Our good Subjects may have cause of grievances against the proceedings of the Prelates, His Majesty is content, that all and every one of the present Bishops and their Successors, shall be answerable, and accordingly from time to time censurable according to their merits by the general Assembly.

And to give all His Majesties good People full assurance, that He never intended to admit any alteration or change in the true Religion professed within this Kingdom, and that they may be truly and fully satisfied of the reality of His Intentions, and integrity of the same, His Majesty hath been pleased to Require and Command all His good Subjects to subscribe the Confession of Faith and Band for maintenance thereof, and of His Majesties Person and Authority, formerly signed by Our dear Father, in Anno 1580. And now likewise requireth all those of this present Assembly to subscribe the same. And it is His Majesties Will, that this be inserted and registred in the Books of Assembly, as a Testimony to Posterity, not onely of the sincerity of His Intentions to the said true Religion, but also of His Resolution to maintain and defend the same, and His Subjects in the Profession thereof.

Subscribitur

HAMILTON.

After the reading of which, the Lord Commissioner proceeded as follows.

I have, you see, subscribed that Paper with mine own hand, and to make His Majesties Religion, Grace, Goodness, and the Zeal which he hath to settle the Peace of this Church and Kingdom known to all succeeding Generations, I do require that it be entred into your ordinary Books of Assembly, but with this provision, that this my assent to the Act of registering this his Majesties Declaration, shall be no approbation of the lawfulness of this Assembly, or of any other Act made, or to be made in it; but that all Protestations, made or to be made against this Assembly in all other Acts and proceedings thereof, shall stand in full force and effect: and of the delivery of this Paper, containing

His

His Majesties gracious offers, into the hands of the Clerk of the Assembly, and of my requiring it to be registred in the Books of the same, as also of my Protestation against the lawfulness of this Assembly in all other Acts, I take publick Instruments in the hands of the Clerk of Our Sovereign Lord His Register, and require him to make an Act thereof.

I 639.

The Moderator then in a short Speech acknowledged His Majesties goodness, promising it should be registred in the Books of the Assembly, and desired they might go on with the business of the Assembly. But the Lord Commissioner told them he must go on no farther with them. That since, they had brought Lay-Elders into the Assembly; that the Ministers Commissioners were chosen by Lay-Elders, and only such as were before designed by the Tables; that the Bishops cited thither were to be judged by those who had prejudged them at the Tables, all which were illegal, unjust, and innovatious, he attested Heaven and Earth, that they were the only cause themselves that this Assembly had not a happy period; and commanded them to proceed no farther in this Assembly, declaring in His Majesties Name that he Protested against whatsoever they should act hereafter.

The Moderator in a Speech prepared for such an occasion, seemed to deplore the Lord Commissioners Resolution of Dissolving the Assembly; he attributed much to His Majesties Power in Ecclesiastical Causes and Assemblies, and towards the end said His Majesty was Universal Bishop over all His Kingdoms; but a Copy of his Speech could not then be procured, but one was after sent to the Lord Commissioner where all those expressions were left out. The conclusion was in commendation of the Lord Commissioners Prudence and Moderation, affirming that since he had served His Majesty being his Master carefully and faithfully in securing His Prerogatives and Priviledges, they ought much more to do the same in preserving the Prerogatives and Priviledges of the Son of God which was His Church. After which divers Lords spake much to vindicate the Covenanters from prelimitations and sinister proceedings in Elections; but they were presently choaked by the Lord Commissioners producing two Papers of Secret Instructions from the Tables, which they were not aware of.

The first Paper directed to one Lay-Elder of every Presbytery, being some special Confident of theirs, containing Nine Articles.

I.

BEcause all projects and purposes will fail, if they be not persued with constant diligence to the end, the Devil sleeps not, and we hear our adversaries are busie, and our misery will be unexpressible great, and we * ludibrious if they shall prevail over us in a free general Assembly, for which we have been pleading so long; it were meet that so far as may be a new warning should be given, to stir up the best affected.

II.

That every Nolleman be diligent with the Barons and Ministers nearest unto them, and that he write unto his best acquaintance, who are afar off.

III. That

* We desire the Reader to observe, that they were afraid of being overthrown in a free general Assembly, and therefore they took a course by these private instructions to prevent all freedom in the Assembly, and to make sure that none should be chosen a member of it, but such of whom they were sure.

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III.

That some one Minister and Gentleman in every Presbytery meet oft together, to resolve upon the particular Commissioners to be chosen, and use all diligence with the rest of the Ministers and Gentlemen that such may be chosen.

IV.

Because nothing will avail so much for our purpose, where the most part of the Ministers are disaffected, as that the Gentlemen be present to vote in Presbyteries, it would be presently tryed whether this be put in execution; and if the Minister be slow in urging it, the Gentlemen themselves to urge it, and put themselves in possession.

V.

Our Adversaries in this Cause are seeking their own ends, and will set our friends on work to deal with us; all would be warned to shut their ears, and in this case to forget parents, brethren, and friends, and without respect to any person, to do what may most conduce for our good ends.

VI.

Much will be pretended that the Bishops be limited, they will be harmless in time coming; and on the other hand, that Ministers having all in their power will prove unruly: but it would be seriously considered: First, That Gods Ordinance (except that we will mock him, and be wiser in His Errands than Himself) should have place. Secondly, That Ministers will be constrained to keep themselves within bounds, if Gentlemen resort to the Presbyteries, Synods, and Assemblies. Thirdly, That this order will both make Gentlemen more Religious and more Accomplished every way, and will make Ministers more diligent in their Studies and Calling, and take better heed to all their ways; which no doubt will (through the blessing of God) make this a flourishing Church and Kingdom, which otherwise, of all Nations will be most slavish, miserable, and contemptible to all our Neighbours, when they shall perceive how by our own silliness and treachery we have lost so fair an occasion of our Liberty, both Christian and Civil.

VII.

That they linger not, they would be urged again to send their Commissioners to Edinburgh before the first of October; by this we shall know our own strength the better at our next meeting.

VIII.

And the Gentlemen, at the least the greatest part of them, would be warned to be at Edinburgh the twentieth of September; and that onely the Gentlemen who are named Commissioners to the Presbytery, for choosing their Commissioners for the Assembly, with some to assist them, that day stay at home, and those to come away immediately after the election.

IX.

That in every Presbytery there be a particular care taken of the informations against the Prelates for instructing our Complaints.

The

The other Paper directed to some Ministers in whom they reposed most confidence.

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Private Instructions, Aug. 27. 1638.

I.

THese private Instructions shall be discovered to none but to brethren well affected to the Cause.

II.

Order must be taken that none be chosen Ruling-Elders but Covenanters, and those well affected to the Business.

III.

That where the Minister is not well affected, the Ruling Elder be chosen by the Commissioners of the Shire, and spoken to particularly for that effect.

IV.

That they be careful no Chapter-men, Chappel-men, or a Minister Justice of Peace, be chosen, although Covenanters, except they have publickly renounced or declared the unlawfulness of their places.

V.

That the Ruling-Elders come from every Church in equal number with the Ministers, and if the Minister oppose, to put themselves in possession notwithstanding any opposition.

VI.

That the Commissioner of the Shire cause convene before him the Ruling-Elder of every Church chosen before the day of the Election, and enjoin them upon their Oath, that they give vote to none but to those who are named already at the meeting at Edinburgh.

VII.

That where there is a Nobleman within the bounds of the Presbytery, he be chosen, and where there is none, there be chosen a Baron, or one of the best quality, and he onely a Covenanter.

VIII.

That the ablest man in every Presbytery be provided to dispute de potestate supremi Magistratus in Ecclesiasticis, præsertim in convocandis Conciliis, de Senioribus, de Episcopatu, de Juramento, de Liturgia, & corruptelis ejusdem.

The Moderator and some Lords went about to clear themselves of these private Instructions, as being only the private advices of some Friends one to another. But the Lord Commissioner proved that impossible. 1. Because several

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several men could not hit upon the same words, and the Copies he received from Covenanters who were displeased at them from the most distant parts of the Kingdom were the same. 2. The Elections were all made according to these Private Instructions, besides this which being true was such a scandal to them, would if forged have been a greater to the Lord Commissioner, and easily proved against him. 3. Upon his Honour he offered to justify that he had them from Covenanters, 4. And they themselves owned some of them in their Protestation.

After this several Lords and some Ministers intreated his stay, to the Lords he answered, that for many months they and their Tables had only been obeyed, now he was resolved to try their obedience, whether they would dissolve at His Majesties Command. To the Ministers, that he did it to rescue them from the Tyranny of the Lay-Elders, who if not prevented would prove not only Ruling but Over ruling-Elders: adding, That if they would now depart he would move His Majesty for a new general Assembly,

The Assembly dissolved.

Here the Earl of *Argyle* spake to this purpose, That it was fit the Assembly should consist of Lay-men as well as Ecclesiasticks, because they two made one complete Body, Exhorting them to unite, and to stand to the Confession of Faith made 1581. When nothing would persuade the Lord Commissioner to a longer stay, some of the Lords told him they had a Protestation ready against all he had said; but upon their beginning to read it, having repeated his former Protestation, in His Majesties Name he dissolved the Assembly and departed.

No sooner was he gone but the Lord *Areskyn* stood up and with tears in his Eyes desired to be admitted into their Covenant, begging their Prayers for his dallying with God in delaying so long; three others did the same and so were admitted: Now though this was long ago resolved on, yet it was reserved for such an hour, and for the Glory of their Covenant: for the Moderator desired the Audience to admire Gods Approbation and Sealing their Proceedings when they might have feared some shrinking and backsliding because of the present Rupture.

They sit notwithstanding.

Two things were presently put to the Question. *First*, Whether they should still continue the Assembly notwithstanding the Lord Commissioner's Protestation, they all voiced affirmative, except the Lord *Carnaegie*, *John Carnaegie*, two Ministers from *Strabogie*, the Lay-Elders and Ministers of *Peebles*, Dr. *Strange*, Principal of the Colledge of *Glasgow*, Dr. *Baroan*, Commissioner of the University of *S. Andrews*, and some others who refused to sit any longer. The *Second*, Whether the Assembly though discharged by the Lord Commissioner was competent Judge of the Bishops, and whether they should go on in their Tryal notwithstanding the Reasons in the Declinator, which was also carried affirmatively *Nemine Contradicente*.

That Night the Council (the Earl of *Argyle* only excepted) sate and resolved two things: *First*, To send His Majesty a Letter of Thanks for His Gracious Offers made at the Assembly by the Lord Commissioner. *Secondly*, To draw up a Proclamation for dissolving the Assembly, both which the Earl of *Argyle* refused to Sign.

The

The Letter was thus :

Most Sacred Sovereign,

IN obedience to your Majesties Royal Commands, we have attended your Majesties Commissioner here at Glasgow since the seventeenth of this instant, and according to our bound duty in so exigent occasion, have not been wanting with our humble and best advices : and although we de remit the particular relation of what is past to his Graces self as best known to him ; yet we cannot for truths sake be so silent, as not acknowledge to your Majesty, that never Servant did with more industry, care, judgement and patience go about the discharge of so great a trust : and albeit the success hath not answered his desires, neither yet his extraordinary pains, and (as we may constantly affirm) most dexterous and advised courses taken to compass the just command of so gracious a King ; yet his deserving herein merits to be remembred to posterity. And since your Majesty hath been pleased to renew to us your former Act of Grace expressed in your Proclamation and Declaration anent the maintenance of the true Religion, and we in the defence and profession thereof ; we do all in humility and hearty acknowledgement of so great goodness, return to your Majesty the offer of our lives and fortunes in defence of your Sacred Person, and maintenance of your Royal Authority : and shall in all our actions approve our selves your Majesties most loyal Subjects and humble servants.

From Glasgow, Nov. 28. 1638.

Sic. Suscribitur.

Traquaire	Haddington	Naper
Roxburgh	Galloway	Dalyel
Marre	Annandaile	Hay
Murray	Lauderdail	W. Elphinstoun
Lithgow	Kinnoul	Ja. Carmichael
Perth	Dumfreis	Hamiltoun
Wigtoun	Southesk	Blackhall
Kingorne	Angus	
Tullibardin	Elphinstoun	

The Proclamation.

CHARLES by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith. To our Lovits

Heraulds, Pursevants, Our Sheriffs in that part conjunctly and severally specially constitute, Greeting. Forsameikle as out of the Royal and Fatherly Care which We have had of the Good and Peace of this Our Ancient and Native Kingdom, having taken to Our serious consideration all such things as might have given Contentment to Our good and loyal Subjects : And to this end had discharged by Our Proclamation, the Service-Book, Book of Canons, and High Commission, freed and liberate all men from the practising of the five Articles, made all Our Subjects both Ecclesiastical and Civil liable to the Censure of Parliament, general Assembly, or any other Judicatory competent, according to the nature and quality of the offence, and for the free entry of Ministers, that no other Oath be administrate unto them than that which is contained

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in the Act of Parliament had declared all by-gone disorders absolutely forgotten and forgiven: and for the more full and clear extirpating all ground and occasion of fears of innovation of Religion, We had commanded the Confession of Faith, and Band for maintenance thereof, and of authority in defence of the same, subscribed by Our dear Father, and His Household, in Anno 1580. to be renewed and subscribed again by our Subjects here: Like as for settling of a perfect Peace in the Church and Commonwealth of this Kingdom, We caused indict a free general Assembly to be holden at Glasgow the twenty first of this instant, and thereafter a Parliament in May, 1639. By which clement dealing, We looked assuredly to have reduced Our Subjects to their former quiet behaviour and dutiful carriage, whereto they are bound by the Word of God, and Laws both national and municipal, to Us their Native and Sovereign Prince. And albeit the wished effects did not follow, but by the contrary, by Our so gracious procedure they were rather emboldned, not only to continue in their stubborn and unlawful ways, but also daily add to their former procedures acts of neglect, and contempt of Authority, as evidently appeared by open opposing of Our Just and Religious Pleasure and Command, exprest in Our last Proclamation anent the discharge of the Service-Book, Book of Canons, High Commission, &c. Protesting against the same, and striving by many indirect means to withdraw the hearts of Our good People, not only from a hearty acknowledgement of Our gracious dealing with them, but also from the due Obedience to those Our Just and Religious Commands, notwithstanding We had been formerly so oft Petitioned by themselves for the same. By their daily and hourly guarding and watching about Our Castle of Edinburgh, suffering nothing to be imported therein, but at their discretion, and openly stopping and impeding any importation of Ammunition, or other necessaries whatsoever to any other of Our Houses within that Kingdom: denying to Us their Sovereign Lord that liberty and freedome, which the meanest of them assume to themselves, (an act without precedent or example in the Christian World,) by making of Convocations and Council-Tables of Nobility, Gentry, Burrows and Ministers within the City of Edinburgh, where not regarding the Laws of the Kingdom, they, without warrant of Authority, Convene, Assemble, and Treat upon matters, as well Ecclesiastical as Civil, send their Injunctions and Directions throughout the Countrey to their subordinate Tables, and other under-Ministers appointed by them for that effect. And under colour and pretext of Religion exercising an unwarranted and unbounded liberty, require Obedience to their illegal and unlawful procedures and directions, to the great and seen prejudice of Authority, and lawful Monarchical Government. And notwithstanding it was evidently manifest by the illegal and unformal course taken in the election of their Commissioners for the Assembly, whereof some are under the Censure of this Church, some under the Censure of the Church of Ireland, and some long since banished for open and avowed teaching against Monarchy, others of them suspended, and some admitted to the Ministry contrary to the form prescribed by the Laws of this Kingdom, others of them a long time since denounced Rebels, and put to the Horn, who by all Law and unviolable Custom and Practice of this Kingdom, are and ever have been incapable, either to persue, or defend before any Judicatory, far less to be Judges themselves; some of them confined, and all of them by Oath and Subscription bound to the overthrow of Episcopacy. And by this and other their under-hand working, and private informations and persuasions, have given just ground of suspicion of their partiality herein, and so made themselves unfit Judges of what concerneth Episcopacy. And also it was sufficiently cleared by the peremptory and illegal procedures of the Presbyteries, who at their own hand by
order

order of Law, and without due form of Proceß, thrust out the Moderators lawfully established, and placed others, whom they found most inclinable to their turbulent humors; associate to themselves for the choosing of the said Commissioners for the Assembly, a Laick-Elder out of each Paroch, who being in most places equal, if not more in number than the Ministry, made choice both of the Ministers, who should be Commissioners from the Presbyteries, as also of a Ruling-Elder; being directed more therein by the warrants from the foresaid pretended Tables, than by their own judgments, as appears by the several private instructions sent from them, far contrary to the Laws of the Countrey, and lawable custome of the Church: by which doings it is too manifest, that no calm nor peaceable procedure or course could have been expected from this Assembly, for settling of the present disorders and distractions: Yet We were pleased herein in some sort to blind-fold Our own judgment, and overlook the said disorders, and patiently to attend the meeting of the said Assembly, still hoping that when they were met together, by Our Commissioner his presence, and assistance of such other well disposed subjects who were to be there, and by their own seeing the real performance of all that was promised by Our last Proclamation, they should have been induced to return to their due obedience of subjects: But perceiving that their seditious disposition still increases, by their repairing to the said Assembly with great bands and troupes of men, all boddin in fear of war, with guns and pistolets, contrary to the Laws of this Kingdom, custom observed in all Assemblies, and in high contempt of Our last Proclamation at Edenburgh, the sixteenth of this instant: As also by their peremptory refusing of Our Assessors, Authorized by Us (although fewer in number than Our dearest Father was in use to have at divers Assemblies) the power of voting in this Assembly, as formerly they have done in other Assemblies; and by their partial, unjust, and unchristian refusing, and not suffering to be read the Reasons and Arguments given in by the Bishops and their adherents, to Our Commissioner, why the Assembly ought not to proceed to the election of a Moderator without them, neither yet to the admitting of any of the Commissioners of the said Commissioners from Presbyteries, before they were heard object against the same, though earnestly required by Our Commissioner in Our Name. And notwithstanding that Our Commissioner under his hand, by Warrant from us, gave in a sufficient Declaration of all that was contained in Our late Proclamation and Declaration, the same bearing likewise Our Pleasure of the registration of the same in the Books of Assembly for the full assurance of the true Religion to all Our good Subjects; And yet not resting satisfied therewith, lest the continuance of their meeting together might produce other the like dangerous Acts, derogatory to Royal Authority, We have thought good, for preveening thereof, and for the whole Causes and Reasons above-mentioned, and divers others importing the true Monarchical Government of this Estate, to dissolve and break up the said Assembly. And therefore

OUR Will is, and We do Discharge and Inhibit all and whatsoever pretended Commissioners, and other Members of the said pretended Assembly, of all further meeting and conveening, treating and concluding any thing belonging to the said Assembly, under the pain of Treason, declaring all and whatsoever that they shall happen to do in any pretended meeting thereafter, to be null, of no strength, force nor effect, with all that may follow thereupon: Prohibiting and discharging all our Lieges to give obedience thereto, and declaring them, and every one of them, free and exempt from the same, and of all hazard that may ensue for not obeying thereof. And for this effect

1639.

We Command and Charge all the foresaid pretended Commissioners, and other members of the said Assembly, to depart forth of this City of Glasgow within the space of twenty four hours after the publication hereof, and to repair home to their own houses, or that they go about their own private affairs in a quiet manner. With special provision always, that the foresaid declaration, given in under Our Commissioners hand, with all therein contained, shall notwithstanding hereof stand full, firm and sure to all our good Subjects in all time coming, for the full assurance to them of the true Religion. And Our Will is, and We Command and Charge, that incontinent these Our Letters seen, ye pass, and make publication hereof by open Proclamation at the Market-Cross of Glasgow, and other places needful, wherethrough none pretend ignorance of the same.

Given under Our Signet at Glasgow, the Twenty Ninth of November, and of Our Reign the Fourteenth Year. 1638.

Sic Subscribitur

H A M I L T O U N .

Traquaire	Hadingtoun	Belheaven
Roxburgh	Galloway	Angus
Murray	Annandail	Dalyell
Linlithgow	Lauderdail	J. Hay
Perth	Kinnoull	W. Elphinstoun
Kingorne	Dumfreis	Ja. Carmichael
Tullibardin	Southesk	J. Hamiltoun.

This Proclamation being solemnly made, was encountred by a Protestation read by *Johnston* Clerk of the Assembly, the Lord *Areskyn* and several young Noblemen assisting: The Copy which they since Printed, for that which *Johnston* read as he confessed was not the same, was as follows.

The Protestation of the general Assembly of the Church of Scotland, &c. made in the High-Kirk, and at the Market-Cross of Glasgow, November the twenty eighth, and twenty ninth, Anno 1638.

WE Commissioners from Presbyteries, Burghs, and Universities, now conveened in a full and free Assembly of the Church of Scotland, indicted by His Majesty, and gathered together in the Name of the Lord Jesus Christ the only Head, and Monarch of His own Church; And we Noblemen, Barons, Gentlemen, Ministers, Burgeses and Commons, Subscribers of the Confession of Faith, make it known that where we His Majesties Loyal Subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelates and their adherents intruded into the Doctrine, Worship, and Discipline of this Church, which had been before in great Purity to our unspeakable comfort established amongst us, were moved to present many earnest desires and humble Supplications to His Sacred Majesty, for granting a free general Assembly, as the only legal and ready mean to try these innovations, to purge out the corruptions, and settle the Order of the Church, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk
and

and Kingdom: It pleased His Gracious Majesty, out of His Royal Bounty, to direct unto this Kingdom, the Noble and Potent Lord, *James* Marquis of *Hammiltoun*, with Commission to hear and redress the just grievances of the good Subjects; who by many petitions, and frequent conferences, being fully informed of the absolute necessity of a free general Assembly, as the only Judicatory which had power to remedy those Evils, was pleased to undergo the pains of a voyage to *England*, for presenting the pitiful condition of our Church to His Sacred Majesty; and the said Commissioner His Grace returned again in *August* last, with power to indict an Assembly, but with the conditions of such prelimitations, as did both destroy the freedom of an Assembly, and could no ways cure the present diseases of this Church; which was made so clearly apparent to his Grace, that for satisfying the reasonable desire of the Subjects, groaning under the weariness and prejudices of longsome attendance, he was again pleased to undertake another journey to His Majesty, and promised to endeavour to obtain a free general Assembly, without any prelimitation, either of the constitution and members, or matters to be treated, or manner, and order of proceeding; so that if any question should arise concerning these particulars, the same should be cognosed, judged, and determined by the Assembly, as the only Judge competent: and accordingly by warrant from our Sacred Sovereign, returned to this Kingdom, and in *September* last, caused indict a free general Assembly to be holden at *Glasgow*, the twenty first of *November* instant, to the unspeakable joy of all good Subjects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the final remedy of their pressing grievances: but these hopes were soon blasted: for albeit the Assembly did meet and begin at the appointed day, and hath hitherto continued, still assisted with his Graces personal presence, yet his Grace hath never allowed any freedom to the Assembly, competent to it by the Word of God, Acts and Practice of this Church, and His Majesties Indiction; but hath laboured to restrain the same, by protesting against all the Acts made therein, and against the constitution thereof by such members, as by all law, reason and custom of this Church were ever admitted in our free Assemblies, and by denying his approbation to the things proponed and concluded, though most clear, customable, and uncontraverted.

And now since his Grace after the presenting and reading of his own Commission from our Sacred Sovereign, and after his seeing all our Commissions from Presbyteries and Burghs produced and examined, and the Assembly constitute of all the members by unanimous consent, doth now to our greater grief, without any just cause or occasion offered by us, unexpectedly depart and discharge any further meeting, or proceeding in this Assembly, under the pain of Treason: and after seven days sitting, declare all Acts made, or hereafter to be made in this Assembly, to be of no force nor strength; and that for such causes as are either expressed in His Majesties former Proclamations, (and so are answered in our former Protestations) or set down in the Declinator, and Protestation presented in name of the Prelates, (which are fully cleared in our answer made thereto) or else were long since proponed by the Commissioner his Grace in his eleven Articles or Demands sent unto us, before the indiction of the Assembly (and so were satisfied by our answers, which his Grace acknowledged, by promising after the receipt thereof to procure a free general Assembly, with power to determine upon all questions, anent the members, manner, and matters thereof) all which for avoiding tediousness we here repeat:

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repeat: or otherwise the said causes alledged by the Commissioner, were proponed by his Grace in the Assembly; such as first, that the Assembly refused to read the Declinator and Protestation exhibited by the Prelates, which nevertheless was publickly read and considered by the Assembly, immediately after the election of a Moderator and constitution of the members, before the which, there was no Assembly established, to whom the same could have been read: next, that Ruling-Elders were permitted to have voice in the Election of Commissioners from Presbyteries, which was known to his Grace before the indiction and meeting of the Assembly, and is so agreeable to the Acts and Practice of this Church, inviolably observed before the late times of corruption, that not one of the Assembly doubted thereof, to whom by the indiction and promise of a free Assembly, the determination of that question, anent the members constituent property belonged.

And last, that the voices of the six Assessors, who did sit with his Grace, were not asked and numbred, which we could not conceive to be any just cause of offence, since after thirty nine National Assemblies of this Reformed Church, where neither the Kings Majesty, nor any in His Name was present, at the humble and earnest desire of the Assembly, His Majesty graciously vouchsafed His Presence either in His own Royal Person, or by a Commissioner, not for voting or multiplying of voices, but as Princes and Emperors of old, in a Princely manner to countenance that meeting, and to preside in it for external order; and if we had been honoured with His Majesties Personal presence, His Majesty (according to the practice of King *James* of blessed memory) would have only given His own judgment in voting of matters, and would not have called others who had not been cloathed with Commission from the Church to carry things by plurality of voices.

Therefore in conscience of our duty to God and His Truth, the King and His Honour, the Church and her Liberties, this Kingdom and her Peace, this Assembly and her freedome, to our selves and our safety, to our Posterity, Persons and Estates, we profess with sorrowful and heavy, but loyal hearts, that we cannot dissolve this Assembly, for the Reasons following.

I. For the Reasons already printed anent the necessity of convening a general Assembly, which are now more strong in this case, seeing the Assembly was already indicted by His Majesties Authority, did convene, and is fully constitute in all the members thereof, according to the Word of God, and discipline of this Church, in the presence and audience of His Majesties Commissioner; who hath really acknowledged the same, by assisting therein seven days, and exhibition of His Majesties Royal Declaration, to be registrate in the Books of this Assembly, which accordingly is done.

II. For the Reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgeses, Ministers, and Commons, whereunto we do now judicially adhere, as also unto the Confession of Faith and Covenant, subscribed and sworn by the Body of this Kingdom.

III. Because as we are obliged by the application and explication subjoyned necessarily to the Confession of Faith subscribed by us; so the Kings Majesty, and His Commissioner, and Privy Council, have urged many of this Kingdom to subscribe the Confession of Faith made in *Anno* 1580. and 1590, and so to return to the doctrine and discipline of this Church, as it was then professed: but it is clear by the doctrine and discipline of this Church, contained in the Book of Policy then registrate in the Books of

of Assembly, and subscribed by the Presbyteries of this Church; that it was most unlawful in it self, and prejudicial to these Priviledges which Christ in His Word hath left to His Church, to dissolve or break up the Assembly of this Church, or to stop and stay their proceedings in constitution of Acts for the welfare of the Church, or execution of discipline against Offenders; and so to make it appear, that Religion and Church-Government should depend absolutely upon the pleasure of the Prince.

IV. Because there is no ground of pretence either by Act of Assembly, or Parliament, or any preceeding practice, whereby the Kings Majesty may lawfully dissolve the general Assembly of the Church of *Scotland*, far less His Majesties Commissioner, who by his Commission hath power to indict and keep it, *secundum legem & praxim*: But upon the contrary, His Majesties Prerogative Royal, is declared by Act of Parliament, to be no ways prejudicial to the Priviledges and Liberties, which God hath granted to the Spiritual Office-bearers, and meetings of this Church; which are most frequently ratified in Parliaments, and especially in the last Parliament holden by His Majesty Himself: which Priviledges and Liberties of the Church, His Majesty will never diminish or infringe, being bound to maintain the same in integrity by solemn Oath given at His Royal Coronation in this Kingdom.

V. The Assemblies of this Church have still enjoyed this freedom of uninterrupted sitting, without or notwithstanding any contramand, as is evident by all the Records thereof; and in special by the general Assembly holden in *Anno 1582.* which being charged with Letters of Horning by the Kings Majesty His Commissioner and Council, to stay their Process against Mr. *Robert Montgomery*, pretended Bishop of *Glasgow*, or otherwise to dissolve and rise, did notwithstanding shew their liberty and freedome, by continuing and sitting still, and without any stay, going on in that Process against the said Mr. *Robert*, to the final end thereof: and thereafter by Letter to His Majesty, did shew clearly, how far His Majesty had been uninformed, and upon mis-information, prejudged the Prerogative of Jesus Christ, and the Liberties of this Church, and did Enact and Ordain, that none should procure any such warrant or charge under the pain of Excommunication.

VI. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of Processes from Presbyteries, after the publick indictment of the Assembly, and the solemn Fast appointed for the same, after frequent Convention, formal constitution of the Assembly in all the members thereof, and seven days sitting, were by this Act to offend God, condemn the Subjects Petitions, deceive many of their conceived hopes of redress of the calamities of the Church and Kingdom, multiply the combustions of this Church, and make every man despair hereafter ever to see Religion established, Innovations removed, the Subjects complaint respected, or the offenders punished with consent of Authority, and so by casting the Church loose and desolate, would abandon both to ruine.

VII. It is most necessary to continue this Assembly for preveening the prejudices which may ensue upon the pretence of two Covenants, whereas indeed there is but one; That first subscribed in 1580. and 1590. being a National Covenant and Oath to God; which is lately renewed by us, with that necessary explanation, which the corruptions introduced since that

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that time contrary to the same, enforced: which is also acknowledged by the Act of Council in *September* last, declaring the same to be subscribed, as it was meant the time of the first subscription: and therefore for removing that shame, and all prejudices which may follow upon the show of two different Covenants and Confessions of Faith in one Nation, the Assembly cannot dissolve, before it try, find and determine, that both these Covenants are but one and the self-same Covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first, as it was subscribed in *Anno 1580*.

For these and many other Reasons, we the members of this Assembly, in our own name, and in the name of the Kirk of *Scotland*, whom we represent; and we Noblemen, Barons, Gentlemen, Ministers, Burgessees, and Commons before mentioned, do solemnly declare in the presence of the everliving God, and before all men: And protest,

I. That our thoughts are not guilty of any thing which is not incumbent to us, as good Christians towards God, and Loyal Subjects towards our Sacred Sovereign.

II. That all the Protestations general or particular, proponed or to be proponed by the Commissioner his Grace, or the Prelates and their adherents, may be presently discussed before this general Assembly, being the highest Ecclesiastical Judicatory of this Kingdom: and that his Grace depart not till the same be done.

III. That the Lord Commissioner depart not, till this Assembly do fully settle the solid Peace of this Church, cognoscing and examining the corruptions introduced upon the doctrine and discipline thereof: and for attaining hereof, and removing all just exceptions which may be taken at our proceedings, we attest God the searcher of all hearts, that our intentions and whole proceedings in this present Assembly, have been, are, and shall be according to the word of God, the Laws and constitutions of this Church, the Confession of Faith; our National Oath, and that measure of light, which God the Father of Light shall grant us, and that in the sincerity of our hearts, without any preoccupation or passion.

IV. That if the Commissioner his Grace depart, and leave this Church and Kingdom in this present disorder, and discharge this Assembly, that it is both lawful and necessary for us to sit still and continue in keeping this present Assembly, indicted by His Majesty, till we have tried, judged, censured all the by-gone evils, and the introductors, and provided a solid course for continuing Gods truth in this land with purity and liberty, according to His Word, our Oath and Confession of Faith, and the lawful constitutions of this Church; and that with the Grace of God, we and every one of us adhering hereunto, shall sit still and continue in this Assembly, till after the final settling and conclusion of all matters, it be dissolved by common consent of all the members thereof.

V. That this Assembly is and should be esteemed and obeyed, as a most lawful, full and free general Assembly of this Kingdom: and that all acts, sentences, constitutions, censures and proceedings of this Assembly, are in the self, and should be reputed, obeyed, and observed by all the Subjects of this Kingdom and members of this Church, as the actions, sentences, constitutions, censures, and proceedings of a full and free general Assembly of this Church of *Scotland*, and to have all ready execution, under the Ecclesiastical pains contained, or to be contained therein, and conform thereto in all points.

VI. That

VI. That whatsoever inconvenience fall out, by impeding, molesting, or staying the free meeting, sitting, reasoning, or concluding of this present Assembly, in matters belonging to their judicatory, by the Word of God, Laws and Practice of this Church, and the Confession of Faith, or in the observing and obeying the Acts, Ordinances and Conclusions thereof, or Execution to follow thereupon, that the same be not imputed unto us, or any of us, who most ardently desired the concurrence of His Majesties Commissioner to this lawfull Assembly: But upon the contrary, that the Prelates and their adherents, who have protested and declined this present Assembly, in Conscience of their own guiltiness, not daring to abide any legal tryal, and by their mis-information have moved the Commissioner his Grace to depart and discharge this Assembly, be esteemed, repute, and holden the disturbers of the peace, and overthrowers of the liberties of the Church, and guilty of all the evils which shall follow hereupon, and condignly censured according to the greatness of their fault, and Acts of the Church and Realm: And to this end, we again and again do by these presents cite and summon them, and every one of them, to compeer before this present general Assembly, to answer to the premises, and to give in their reasons, defences, and answers against the complaints given in, or to be given in against them, and to hear probation led, and sentence pronounced against them, and conform to our former citations, and according to Justice, with certification as effects: Like as by these presents we summon and cite all those of His Majesties Council, or any other, who have procured, consented, subscribed, or ratified this present Proclamation to be responsible to His Majesty and three Estates of Parliament, for their counsel given in this matter, so highly importing His Majesty, and the whole Realm, conform to the twelfth Act. King *James* 4. Parliament 2. And protest for remedy of Law against them, and every one of them.

VII. And lastly we protest, that as we adhere to the former protestations all and every one of them, made in the name of the Noblemen, Barons, Gentlemen, Ministers, Burghes, and Commons; so seeing we are surprised by the Commissioner his Graces suddain departing, far contrary to His Majesties indiction, and our expectation, we may extend this our protestation, and add more reasons thereunto in greater length and number, whereby we may fully clear before God and man the equity of our intentions, and lawfulness of our proceedings: And upon the whole premises the foresaid persons for themselves and in name aforesaid, asked Instruments. This was done in the high Church of *Glasgow* in publick Audience of the Assembly, begun in presence of the Commissioner his Grace, who removed and refused to hear the same to the end, the Twenty Eighth day of *November*: and upon the Mercate-Cross of *Glasgow*, the Twenty Ninth day of the said Month, the Year of God 1638, *respectivè*.

It is observable in this Protestation, that it is made not only in the name of the general Assembly, but of the Noblemen, Barons, Gentlemen, Ministers, Burgesses and Commons, Subscribers of their Covenant: when it was impossible those of distant parts of the Kingdom should know of it much less consent to it. They affirm that the Assembly which was to be indicted in *August*, was clogged with prelimitations which was the reason of the Lord Commissioners journey into *England*, when it was they who by their instructions both publick and private had prelimited it. They confidently say that the Assembly was constituted of such members as by Law, Reason, and Custom of the Church, were ever admitted in their free Assemblies:

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semblies; whereas, there is no Law extant for Lay-Elders voicing there, and less reason that ignorant mechanicks should sit and determine points of Faith, and inflict the highest Church-Censures, even to Excommunication; and for Custom for forty years the Lay-Elders never had voices, nor from the Reformation ever chose the Ministers Commissioners. A little after they say the Lord Commissioner departed unexpectedly when he dissolved the Assembly, whenas the Lord *Rothes* told him at his departing, that the Dissolution was not unexpected to them, and therefore they had a Protestation ready against his discharge, which he left them reading: They had fully answered, they say, all the Arguments in the Bishops Declinator, and the Eleven Articles sent them by the Lord Commissioner before the indicting of the Assembly, and that he did acknowledg so much; both equally untrue. The Third Section is nothing but a derogation from His Majesties Authority, allowing him no more Power in Ecclesiastical Affairs than to *Thomas Paterson* a Taylor of *Edenburgh* who sat as Commissioner there. After they subjoyn some Reasons for their Protestation. *First*, That the Lord Commissioner owned the lawfulness of the Assembly by assisting there seven days, whereas he entred solemn Protests in His Majesties Name against whatever they did. The Second and Third Reasons are true because they have sworn so, the fourth hath not one true word in it, for there is an Act of Parliament the twenty first of King *James*, His Majesties Royal Father, giving His Majesty the sole Power of indicting Assemblies, & *ejusdem est destituere cujus est instituere*; so that it is an infringing of the Liberties of the Church, or of the Coronation Oath: as the Act will manifest.

*A Ratification of the Acts and Conclusions set down and agreed upon in the general Assembly of the Church, kept in Glasgow in the Month of June, 1610. together with an explanation made by the Estates of some of the Articles of the same.*

#### CHAP. I.

The Act is long and hath many branches, we only recite two: First it confirms *that Act of the Assembly, which acknowledgeth the indictment of the general Assembly of the Church, to appertain to His Majesty by the Prerogative of His Royal Crown*: and in the last branch of the Act, *Our Royal Father and the Three Estates do annul and rescind the 114 Act of the Parliament held in Anno 1592. which did give some power to the general Assembly, in some cases, of themselves to indict a new Assembly.*

The fifth Reason is a Precedent of an Assembly which would not stay process against Archbishop *Montgomerie*, nor dissolve though threatned with Horning and Rebellion by King *James* and His Council. An excellent Argument to prove that a wicked Example is a Law, and that one unjust Action may justify another. The Sixth Reason has no Reason. The Seventh tells the World they cannot rise till they find their own Covenant to be the same with His Majesties Confession of Faith, when by their Explications and Glosses they have made them so different, that they must sit to the Worlds End to do it, they having discharged all Persons from subscribing that Commanded by His Majesty.

Then they add Seven Protestations. The First, Third, Fourth, Fifth, are nothing but Tautologies and taking Gods Sacred Name in vain. In the Second and latter End of the Sixth with unexampled boldness they  
Cite



Cite the Council who Signed the Proclamation to appear before His Majesty and the Three Estates in Parliament: when they had mutilated the Parliament of one of the Three, viz. the Bishops. And for this they quote an Act of Parliament of His Majesties Royal Father, when upon search there is nothing in that Act which can be construed to do them service, but when the Scriptures could not scape them, no wonder if Acts of Parliament could not. That which they say that this Advise was given by the Prelates His Majesty avers to be most untrue, not one of the Bishops being then near him.

That this was an unlawful Assembly besides the Reasons in the Bishops Declinator appears, *First*, By their prejudging and prelimitations contained in their Private Instructions before mentioned, *Secondly*, Some of the Commissioners were chosen before the indictment, and by Law all such Elections were null and void. *Thirdly*, Neither Lay-Elder, nor Commissioner chosen by Lay-Elders ought to have voices, being not warranted by the Laws of the Kingdom or Custom of the Church. *Fourthly*, The Lay-Elders in many Elections carried it against the Ministers. *Fifthly*, These Lay-Elders were not able men, being never in that Office before. *Sixthly*, By their own Principles the Lay-Elders were to be Inhabitants of the Parishes where they were chosen, being to watch over the People of that Parish where they live, but many Noblemen and others were chosen where they were not Inhabitants. *Seventhly*, There is no Law or Practice for Assessors to these Lay-Elders without whose consent they were to do nothing. *Eighthly*, The introducing these Lay-Elders is a grievous burden to the Ministers, many of whom did both supplicate and protest against them. *Ninthly*, The fittest men were usually in their choice passed by, and others chosen who were under the Censures of the Church; one who had been expelled the University for Reading Lectures, that Monarchy was unlawful, some such as were banished for Sedition, and others who had no Ordination. *Tenthly*, Divers sate in the Assembly who were at the \*Horn for Rebellion; and by Law could not sit in any Judicatory. *Eleventhly*, Not any Member of the Assembly took the Oaths of Allegiance, Supremacy, and to the Confession, without which by Law they cannot sit in any Judicatory. In short the Meeting was wholly managed by the Laity; there was one Earl and one Lord who spake more than all the Ministers except the Moderator; only Mr. *Alexander Carse* had the honour to be the first man always in the List to every Act, and as he begun the rest certainly followed by a most manifest pre-agreement.

After the Commissioners departure, they continued the Assembly though dissolved by Proclamation under pain of High-Treason. The Earl of *Argyle*, who in heart had long been a Covenanter then openly declared himself the head of them: for though he had no voice, yet he sate there as Chief Director, and as if he had been Lord Commissioner. All things were carried with confusion and precipitation, only it is worth observing, that in their Sentence against the Bishops, not one of those Crimes charged upon them in the Infamous Libel was objected against them, not one witness examined or offered to be produced to prove those malicious Calumnies, but they were deposed only for obedience to Acts of Parliament and general Assemblies; as will appear by the following Sentence.

\* Horning is Excommunication.



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Sentence of Deposition against Mr. John Guthrie, pretended Bishop of Murray; Mr. John Grahame, pretended Bishop of Orkney; Mr. James Fairly, pretended Bishop of Lismoir; Mr. Neil Campbell, pretended Bishop of Isles.

**T**HE general Assembly having heard the Libels and Complaints given in against the foresaid pretended Bishops, to the Presbytery of Edinburgh, and sundry Presbyteries within their Diocese, and by the said Presbyteries referred to this Assembly to be Tried: The said pretended Bishops being lawfully cited, oftentimes called, and not compeering, proceeded to the cognition of the Complaints and Libels against them; and finding them guilty of the breach of the cautions agreed upon in the Assembly at Montrose, A. 1600. for restricting of the Minister voter in Parliament, from encroaching upon the liberties and jurisdictions of this Kirk, which was set down with certification of Deposition, Infamy, and Excommunication; and especially for receiving consecration to the Office of Episcopacy, condemned by the Confession of Faith, and Acts of this Kirk as having no warrant nor fundament in the Word of God; and by vertue of this usurped power, and power of the high Commission, pressing the Kirk with novations in the Worship of God; and for their refusal to undergo the Tryal of the reigning slander of sundry other gross transgressions and offences laid to their charge. Therefore the Assembly, moved with zeal to the glory of God, and purging of this Kirk, ordains the said pretended Bishops to be deposed, and by these presents doth depose them, not only of the Office of Commissioner to vote in Parliament, Council, or Convention in name of the Kirk; but also of all Functions, whether of pretended Episcopal or Ministerial Calling: And likewise in case they acknowledge not this Assembly, reverence not the Constitutions thereof, and obey not the Sentence, and make not their Repentance conform to the order prescribed by this Assembly, ordains them to be Excommunicated, and declared to be of these whom Christ commandeth to be holden by all and every one of the Faithful, as Ethnicks and Publicans: and the Sentence of Excommunication to be pronounced upon their refusal, in the Kirks appointed, by any of these who are particularly named, to have the Charge of trying their Repentance or Impenitency, and that the Execution of this Sentence be intimate in all the Kirks within this Realm, by the Pastors of every particular Congregation, as they will be answerable to their Presbyteries and Synods, or the next general Assembly, in case of negligence of the Presbyteries and Synods.

The weakness of their Conclusions would appear most visible, if their Acts were Printed, but some Judgment may be made by the Index of their Acts which is here annexed.

*An Index of the principal Acts of the Assembly at Glasgow, 1638.*

**S**undry Protestations betwixt the Commissioner his Grace and the members of the Assembly.

Master Archibald Johnstone his admission to be Clerk, and his production of the Registers of the Church, which were preserved by Gods wonderful Providence.

An Act disallowing any private Conference, and constant Assessors to the Moderator.

The Act ratifying the authentickness of the Registers, with the reasons thereof. The



The Act registrating His Majesties Will given in by His Commissioner.  
The Act bearing the Assemblies Protestation against the dissolution thereof.

The Act deposing Mr. *David Michel* Minister at *Edenburgh*.

The Act deposing Mr. *Alexander Glaidstounes* Minister at *S. Andrews*.

The Act annulling the six late Assemblies holden at *Linlithgow*, 1606. and 1608. at *Glasgow*, 1610. at *Aberdeen*, 1616. at *St. Andrews*, 1617. at *Perth*, 1618. with the Reasons of the nullity of every one of them.

The Act declaring the nullity of the Oath exacted by Prelates from Intrants [id est, *Such as are instituted to Benefices*,]

The Act deposing Mr. *John Chrichtone*, Minister at *Paislay*.

The Act condemning the Service-Book.

The Act condemning the Book of Canons.

The Act condemning the Book of Ordination.

The Act condemning the High Commission.

The Sentence of Deposition, and Excommunication of the sometime pretended Bishops of *St. Andrews*, *Glasgow*, *Rosse*, *Galloway*, *Brichen*, *Edenburgh*, *Dumblane*, *Aberdene*.

The Sentence of Deposition against the sometime pretended Bishops of *Murray*, *Isles*, *Argyle*, *Orknay*, *Cathnes*, and *Dunkell*.

The large Act clearing the meaning of the Confession of Faith made Anno 1580. as abjuring and removing Episcopacy.

The Act declaring the five Articles to have been abjured and to be removed.

Sentence of Deposition against Mr. *Thomas Forrester*.

Sentence of Deposition against Mr. *William Abannan*.

Sentence of Deposition against Mr. *Robert Hamiltoun*, Minister at *Glasford*.

Sentence of Deposition against Mr. *Thomas Mackeney*.

Act anent the Presbytery of *Auchterardours* present seat at *Aberuskene* for the time.

Act restoring Presbyteries, Provincial, and General Assemblies to their constitution, of Ministers and Elders, and their power and jurisdiction contained in the Book of Policy.

Act Erecting Presbyteries in *Argyle*.

Act referring to the Presbyteries the consideration of their meetings.

Act concerning the Visitation of particular Kirks, Schools, and Colledges.

Act against non-Residents.

Act concerning the planting of Schools in the Countrey.

Act concerning the Power of Presbyteries admission of Ministers, and choosing of their Moderators.

Reference to the Presbyteries anent the competency of Parochioners and Presbyteries.

Act concerning the entry and conversation of Ministers, ratification of the Act, 1598.

Act of reference to Presbyteries concerning the defraying of the expences of the Commissioners.

Act of reference concerning repressing of Popery and Superstition.

Act of reference to the Presbyteries concerning the more frequent Celebration of the Lords Supper.

Act of reference concerning Markets on Munday and Saturday within Burrows.



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Act against the profanation of the Sabbath for want of After-noon's Exercise.

Act against the frequenting the company of Excommunicate Persons.

Act setting down the Roll of Provincial Assemblies, and some Orders thereanent.

Acts of reference against Milnes and Salt-Pans.

Act anent the Order of receiving the Repentance of any Penitent Prelates.

Act anent the Excommunicating of the Ministers Deposed, who do not obey their Sentence.

Act against those who speak or write against the Covenant, this Assembly and Constitutions thereof.

Act of reference anent the voicing in the Kirk-Sessions.

Act condemning \* Chapters, Archdeacons, Preaching Deacons, and such like Popish Trash.

Act against the obtruding of Pastors upon People.

Act against Marriage without Proclamation of Banes.

Act against Funeral Sermons.

Act anent the Tryal of Expectants; [that is, *such as are not possessed of any Benefice.*]

Act anent the admission of Mr. *Archibald Johnstoun* to be Advocate, and Mr. *Robert Dalgleish* to be Agent for the Kirk.

Act anent the transplantation of Mr. *Alexander Henderson* from *Leuchars* to *Edinburgh*.

Act of reference to the Presbyteries and Provincial Assemblies, to take order with *Salmon* fishing.

Act of transporting Mr. *Andrew Cant*, from *Pitfargo* to *Newbotle*.

Act condemning all Civil Offices in the Persons of Ministers separate to the Gospel, as to be Justices of Peace, sit in Session or Council, to vote or ride in Parliament.

Act concerning a Commission for complaints about *Edinburgh*.

Another Commission to sit at *Jedburgh*.

Another Commission to sit at *Irwin*.

Another Commission to sit at *Dundee*.

Another Commission to sit at the *Channeries* and *Forres*.

Another Commission to sit at *Kircubright*.

A Commission for Visitation of the Colledge of *Aberdeen*.

A Commission for Visitation of the Colledge of *Glasgow*.

Act against *Salmon* fishing, and going of Milnes on the Sabbath-day.

Act appointing the Commissioners to attend the Parliament, and Articles which they are to represent in name of the Kirk to the Estates.

Act ordaining the Commissioners from Presbyteries and Burrows presently to get under the Clerks hand an Index of the Acts, and hereafter a full extract of them, which they are bound to take back from the Assembly to the Presbyteries and Burrows.

Act ordaining the Presbyters to intimate in their several Pulpits the Assemblies Explanation of the Confession of Faith, the Act against Episcopacy, the Act against the five Articles, the Act against the Service-Book, Book of Canons, Book of Ordination, the High Commission, the Acts of Excommunication and Deposition against some Prelates, and Act of Deposition only against some others of them.

\* An Act discharging Printers to Print any thing either anent the Acts or the Proceedings of this Assembly, or any Treatise which concerns the Kirk, without a Warrant under Mr. *Archibald Johnstoun's* hand, as Clerk

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\* Which offices were in the Church of Christ long before Popery was known or heard of in the World.

\* A pretty Act, that We must print nothing concerning Ecclesiastical Policy and Government, unless *Johnstoun* will give Us leave.



to the Assembly, and Proctor for the Kirk, and that under the pain of all Ecclesiastical Censure to be intimate with other Acts.

Act ordaining the Covenant subscribed in *February*, now to be subscribed with the Assemblies Declaration.

\* Act discharging all subscription to the Covenant subscribed by His Majesties Commissioner and the Lords of the Council.

Act ordaining all Presbyteries to keep a solemn thanksgiving in all Parishes, for Gods Blessing, and good Success in this Assembly, upon the first convenient Sabbath.

Act against those who are malicious against this Church, decliners or disobeyers of the Acts of this Assembly.

Act warranting the Moderator and Clerk to give out Summons upon relevant complaints, against parties to compeer before the next Assembly.

Act renewing the Priviledges of yearly general Assemblies, and oftner, *pro re nata*, and appointing the third *Wednesday* in *July* next in *Edenburgh* for the next general Assembly.

Act that none be chosen Ruling-Elders to sit in Presbyteries Provincial, or general Assemblies, but those who subscribe the Covenant, as it is now declared, and acknowledgees the Constitution of this Assembly.

Act to transport \* Mr. *Robert Blaire*, from *Aire* to *St. Andrews*.

Act for representing to the Parliament the necessity of the standing of the Procurators place for the Kirk.

There are many less principal Acts omitted, so the Index is not fully perfect.

*A. Johnstoun.*

Scholars, in his Lectures upon *Aristotle*, that Monarchical Government was unlawful. Now for this man to be made by them Professor of Divinity in the prime University of that Our Kingdom, whether We can or ought to endure it, We leave to the Reader to judge.

Thus did all their Conclusions tend to Sedition and Rebellion. Now they abjure, what at first they pretended not to abjure: Thus Episcopal Government and the five Articles of *Perth* were by the whole Assembly abjured and removed, except by Mr. *Robert Baily*, one of the ablest among them, who voiced thus, *removed but not abjured*, and moved for a mitigation of that Act, but when it came to be voiced again his name was left out in the List, and so it past without his voice; yet for fear of publick Envy he durst stir no further in it, in that free Assembly.

Towards the End of their sitting, they divided themselves into several Committes, who were to see their Acts put in execution after their rising. The Moderator concluded with thanks to God for their good Success; to the Nobility and the rest for their pains, and to the Earl of *Argyle* for his presence and Counsel which had so much strengthened and comforted them. The Earl in a long Speech excused his delay in not coming into their Covenant sooner, but now that matters were come to such a height, he said he should prove a Knave, if he did not openly joyn with them, as he had done secretly before. He Exhorted them to Unity, and desired them to consider that Pride and Avarice had ruined the Bishops, and that they should beware therefore of them. This was indeed the true sence of the Covenanters; for it was not those Innovations they pretended, nor the Crimes objected in their Libel, but their Dignity and Place which the Envy of the Lords Covenanters called Pride, and the fear they might by Law recover the Church-Lands out of their hand, which was the Avarice they were guilty of: when both Pride to see the Bishops for their Abilities advanced,

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\* A most Traiterous Act, for the very terms and words of it contain high Treason.

\* This *Blair* is he who was expelled the University of *Glasgow* by the Professors there, many years since, for teaching his



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advanced, and Avarice to detain their Estates, was the true foundation of that Odium thrown upon them. And for that Lords being a Knave, the assurance he gave His Majesty of his satisfaction from the Declaration, and that he would not joyn with the Covenanters, his carrying on their Designs, while he was one of the secret Council leave him in danger of that Character.

The Lord Commissioner hearing that the pretended Assembly intended to put such a gloss upon the Confession and Band commanded by His Majesty as might serve their turn; printed a Declaration, Explanatory of His Majesties meaning, which here follows.

*An Explanation of the Oath and Covenant.*

**W**Hereas some have given out that by the Act of Council, which explaineth the Confession of Faith lately commanded to be sworn by His Majesty, to be understood of the Confession of Faith, as it was then professed and received, when it was made, and that in that Confession, defence both of the Doctrine and Discipline then Established is sworn, at which time Episcopal government being (as they say) abolished, it must needs follow, that the same government is by this late Oath abjured.

And understanding, that even amongst those who continue together still at *Glasgow*, under the name of a pretended and unlawful general Assembly, this objection is held to be of some moment, and used by them to the great disturbance of the peace of this Church and Kingdom, and to the great disquieting of the minds of such His Majesties good Subjects as have taken the said Oath; and yet never meant, nor do mean to abjure Episcopal Government; and to persuade others, that if they shall take the same Oath thus explained by the said Act of Council, by so doing, they must likewise abjure the said Government,

We *James Marquess of Hamiltoun*, His Majesties High Commissioner, wondring that any such scrupulous misconstruction should be made of His Majesties gracious and pious intentions, and being desirous to remove all doubts from the minds of His Majesties good Subjects, and to keep them from being Poysoned, by such as by forced and forged inferences would make them believe, that they had actually by taking that Oath sworn that which neither virtually nor verily they have sworn, or ever intended to swear, or was required by Authority to be sworn by them, either directly or indirectly: considering that all Oaths must be taken according to the mind, intention and commandment of that Authority which exacteth the Oath; and that we, by special commandment from His Sacred Majesty, commanded the said Oath to be administred, we do hereby freely and ingeniously profess and declare our mind and meaning herein, as we have constantly heretofore done since our coming into this Kingdom about this imployment: *viz.* That by any such words or Act of Council we never meant or intended that Episcopal Government should be abjured, nor any thing else which was Established by Acts of Parliament, or Acts of the Church of this Kingdom which are now in force, and were so at the time of the taking of the said Oath.

Nor indeed could we have any other intention or meaning, being clearly warranted, and expressly commanded by His Majesties instructions, to exact the said Oath, and take order that it should be sworn throughout the Kingdom in that fair and lawful sense, and none other: Neither in this point



point did we deliver our own words, or His Majesties mind ambiguously or doubtfully, so as any other sense, to our thinking, could be picked or wrung out of either the one or the other; for we do attest the Lords of the Council, whether we did not to many, or all of them upon several occasions in conference with them ever since our coming into this Kingdom, constantly declare unto them, that His Majesties resolution was not to suffer Episcopal Government to be abolished: We attest all the Lords of Session, whether before our tendering of that Oath to them, or their Lordships taking of it, we did not fully and freely declare to them, that His Majesties mind in commanding us to see this Oath taken, and our own mind in requiring them to take it, was only to settle and secure the Religion and Faith professed in this Kingdom, but was not to be extended to the abjuring of Episcopal Government, or any other thing now in force by the Laws of this Church and State at the time of administering this Oath, which their Lordships, being the reverend and learned Judges of the Laws, knew well could not be abjured; after which perspicuous predeclaration of our mind, their Lordships undoubtedly in that same sense and none other took the said Oath.

And now, good Reader, having heard His Majesties mind and intention, and in pursuance of them the mind of His Majesties High Commissioner concerning this Oath, the reasons to repel the former objection seem to be needless (the known mind of the supreme Magistrate who urgeth an Oath, being to be taken for the undoubted sense of it;) yet forasmuch as that objection hath of late been mainly urged for alienating the minds of many of His Majesties good Subjects, and well affected to that Government, from adhering unto it, be pleased to know, that the former objection hath neither shew nor force of reason in it, and that by the said Oath and that explanation set down in the Act of Council, Episcopal Government neither was, nor possibly could be abjured, and that for many reasons, but especially these five, which we having seen and approved, have caused to be here inserted, and leave them to thine impartial consideration.

I. First, God forbid it should be imagined that His Majesty should command His Subjects to take an Oath, which in it self is absolutely unlawful; but for a man to swear against a thing which is Established by the Laws of Church and Kingdom in which he liveth (unless that thing be repugnant to the Law of God) is absolutely unlawful, until such time as that Kingdom and Church do first repeal these Laws; and therefore Episcopal Government, not being repugnant to the Law of God, nay, being consonant unto it, as being of Apostolical Institution (which shall be demonstrated if any man please to argue it) and standing fully Established, both by Acts of Parliament, and Acts of general Assembly at the time when this Oath was administered; to abjure it before these Acts be repealed, is absolutely unlawful, and against the word of God: and it is to be hoped no man will conceive that His Majesty meant to command a thing absolutely unlawful. And if it should be said, as it is said by some, (who not being able to avoid the force of reason, do betake themselves to pitiful shifts and evasions) that these Acts of Parliament and Assembly, Establishing Episcopal Government, were unlawfully and unduly obtained; certainly if they have any reasons for this their bold assertion, which is of a more dangerous consequence than that it ought to be endured in any well settled Church or Commonwealth; these reasons may be presented lawfully to these Judicatories to entreat them to reduce the said Acts, if there shall be strength and validity found in them: But to hold, that until such

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time as these Judicatories shall repeal the said Laws, they either ought to be, or can possibly be adjured, is a wicked position, and destructive of the very foundation of justice both in Church and Common-wealth.

II. Secondly, it cannot be imagined that this Oath should oblige the now takers of it farther than it did oblige the takers of it at first: for Doctrine and points of Faith it did oblige them then, and so doth it us now, perpetually, because these points in themselves are perpetual, immutable, and eternal: But for points of Discipline and Government, and Policy of the Church, that Oath could bind the first takers of it no longer than that Discipline and Government should stand in force by the Laws of this Church and Kingdom, which our Church in her positive Confession of Faith printed amongst the Acts of Parliament, Artic. 20. 21. declareth to be alterable at the will of the Church it self, and so repealable by succeeding Acts, if the Church shall see cause. When a King at his Coronation taketh an Oath to rule according to the Laws of His Kingdom, or a Judge at his admission sweareth to give judgment according to these Laws, the meaning of their Oaths cannot be that they shall rule or judge according to them longer than they continue to be Laws: but if any of them shall come afterwards to be lawfully repealed, both King and Judge are free from ruling and judging according to such of them as are thus lawfully repealed, notwithstanding their original Oath. Since therefore if the first takers of that Oath were now alive, they could not be said to have abjured Episcopal Government, which hath been since Established by Laws of this Church and Kingdom, especially considering that this Church in her Confession holdeth Church Government to be alterable at the will of the Church; certainly we repeating but their Oath, cannot be said to abjure that Government now, more than they could be said to do it, if they were now alive and repeating the same Oath.

III. Thirdly, how can it be thought that the very Act of His Majesties commanding this Oath should make Episcopal Government to be abjured by it, more than the Covenanters requiring it of their associats, in both Covenants the words and syllables of the Confession of Faith being the same? Now it is well known that many were brought in to subscribe their Covenant, by the solemn protestations of the contrivers and urgers of it, that they might subscribe it without abjuring of Episcopacy, and other such things as were Established by Law, since the time that this Oath was first invented and made; and the three Ministers in their first answers to the *Aberdene Quæres* have fully and clearly expressed themselves to that sense, holding these things for the present not to be abjured, but only referred to the tryal of a free general Assembly: And likewise the adherers to the last Protestation against His Majesties Proclamation, bearing date the ninth of *September*, in their ninth reason against the subscription urged by His Majesty do plainly aver, that this Oath urged by His Majesty doth oblige the takers of it, *to maintain Perth Articles, and to maintain Episcopacy*. Why therefore some men swearing the same words and syllables should have their words taken to another sense, and be thought to abjure Episcopal Government, more than others who have taken the same Oath in the same words, must needs pass the capacity of an ordinary understanding.

It is a received maxim, and *it cannot be denied, but that Oaths ministred unto us must either be refused, or else taken according to the known mind, professed intention, and express command of Authority urging the same*; A proposition, not only received in all Schools, but positively set down by the adherers to the said Protestation *totidem verbis* in the place above cited.

But



But it is notoriously known even unto those who subscribed the Confession of Faith by His Majesties commandment, that His Majesty not only in His Kingdoms of *England* and *Ireland*, is a maintainer and upholder of Episcopal Government according to the Laws of the said Churches and Kingdoms, but that likeways he is a Defender, and intends to continue a Defender of the same Government in His Kingdom of *Scotland*, both before the time, and at the time when he urged this Oath; as is evident by that which is in my Lord Commissioner his Preface, both concerning His Majesties instructions to his Grace, and his Graces expressing His Majesties mind, both to the Lords of Council, and to the Lords of Session; and the same likeways is plainly expressed and acknowledged by the adherers to the said Protestation in the place above-cited: their words being these; *And it is most manifest that His Majesties mind, intention, and commandment, is no other but that the Confession be sworn, for the maintenance of Religion, as it is already or presently professed (these two being co-incident altogether one and the same, not only in our common form of speaking, but in all His Majesties Proclamations) and thus as it includeth, and continueth within the compass thereof, the foresaid novations and Episcopacy, which under that name were also ratified in the first Parliament holden by His Majesty.* From whence it is plain, that Episcopacy not being taken away or suspended by any of His Majesties Declarations, as these other things were which they call Novations; it must needs both indeed, and in the judgment of the said Protesters no ways be intended by His Majesty to be abjured by the said Oath. Now both the *major* and that part of the *minor* which concerneth Episcopal Government in the Church of *Scotland*, being clearly acknowledged by the Protesters; and the other part of the *minor* concerning that Government in his other two Kingdoms being notoriously known, not only to them, but to all others who know His Majesty, how it can be imagined that His Majesty by that Oath should command Episcopacy to be abjured, or how could any one to whom His Majesties mind concerning Episcopal Government was known, honestly or safely abjure it, let it be left to the whole world to judge; especially considering that the Protesters themselves in that place above cited, by a *dilemma*, which we leave to themselves to answer, have averred, that when that Act of Council should come out, yet that it could not be inferred from thence that any such thing was abjured.

V. Fifthly and lastly, If the explanation in that Act of Council be taken in that not only rigid, but unreasonable and senseless sense which they urge, yet they can never make it appear, that Episcopal Government at the first time of the administering of that Oath was abolished: The very words of that Confession of Faith, immediatly after the beginning of it, being these, *Received, Believed, Defended by many and sundry notable Kirks and Realms, but chiefly by the Kirk of Scotland, the Kings Majesty and three Estates of this Realm, as Gods eternal truth and only ground of our salvation, &c.* By which it is evident, that the subscription to this Confession of Faith is to be urged in no other sense than as it was then believed and received by the Kings Majesty, and the three Estates of this Realm at that time in being; and it is well known, that at that time Bishops, Abbats and Priors made up a third Estate of this Realm, which gave approbation to this Confession of Faith: and therefore it is not to be conceived, that this third Estate did then abjure Episcopacy, or that Episcopacy was at the first swearing of that Confession abolished. But say that at that time it was abolished by Acts of general Assembly, yet was it not so by any Act of



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Parliament, nay by many Acts of Parliament it was in force, because none of them was repealed; some whereof are annexed in the sheet immediately after these reasons, which we pray the Reader carefully to peruse and ponder: and at the very time of the taking of this Oath and after, Bishops, whose names are well known, were in being. Now it is to be hoped that in a Monarchy, or any other well constituted republick, that damnable Jesuitical position shall never take place, That what is once Enacted by a Monarch and his three Estates in Parliament, shall ever be held repealed or repealable by any Ecclesiastical national Synod.

By all which it is evident, that the explanation of that Act of Council so groundlessly urged, can induce no man to imagine that by the Confession of Faith lately sworn by His Majesties commandment, Episcopal Government, which then did, and yet doth stand Established by Acts of this Church and Kingdom, either was, or possibly could be abjured.

And having now (good Reader) heard His Majesties mind in his instructions to us, our mind in requiring in His Majesties name this Oath to be taken, and these few reasons of many which do evidently evince the inconsequence of that sense, which without any shew of inference is put upon it by those who would go on in making men still believe, that all which they do or say is grounded upon Authority, though they themselves do well know the contrary; we suppose that all they who have taken this Oath will rest satisfied that they have not abjured Episcopal Government; and that they who shall take it, will take it in no other sense.

Which timely warning of ours, we are the more willing to give, because we are given to understand, that even they who were wont to call the takers of this Oath (notwithstanding of that explanation by Act of Council) perjured and damned persons, and in their Pulpits called the urging of it, the depth of Sathan, do now mean to take it themselves, and urge others to take it in that sense which they make men believe (though wrongfully) that Act of Council makes advantageous to their ends.

But we do in His Majesties name require that none presume to take the said Oath, unless they be required so to do by such as shall have lawful Authority from His Majesty to administer it unto them: being confident, that none either will or can take the said Oath, or any other Oath in any sense, which may not consist with Episcopal Government, having His Majesties sense, and so the sense of all lawful Authority fully Explained to them.

HAMILTON.

**T**hat Episcopal Jurisdiction was in force by Acts of Parliament, and no ways abolished nor suppressed in the year, 1580. nor at the time of Reformation of Religion within the Realm of *Scotland*, doth evidently appear by the Acts of Parliament after mentioned.

First by the Parliament 1567. cap. 2. whereby at the time of reformation the Popes Authority was abolished, it is Enacted by the said Act, *That no Bishop, nor other Prelate in this Realm, use any Jurisdiction in time coming by the Bishop of Romes Authority.* And by the third Act of the same Parliament, whereby it is declared, *That all Acts not agreeing with Gods word, and contrary to the confession of Faith approved by the Estates in*  
that



*that Parliament, to have no effect nor strength in time to come. Whereby it is evident, that it was not the Reformers intention to suppress Episcopacy, but that Bishops should not use any Jurisdiction by the Bishop of Rome his Authority; and seeing they did allow Episcopacy to continue in the Church, that they did not esteem the same contrary to Gods word and confession foresaid: as appears more clearly by the sixth Act of the said Parliament, which is ratified in the Parliament 1579. cap. 68. whereby it is declared, That the Ministers of the blessed Evangel of Jesus Christ, whom God of his mercy hath now raised up amongst us, or hereafter shall raise, agreeing with them that now live in doctrine or administration of the Sacraments, and the people of this Realm that profess Christ as he is now offered in his Evangel, and do communicate with the holy Sacraments, as in the reformed Kirks of this Realm they are publickly administrate, according to the confession of the Faith, to be the only true and holy Kirk of Jesus Christ within this Realm without any exception by reason of Policy and Discipline, declaring only such as either gain-say the word of the Evangel according to the heads of the said Confession, or refuse the participation of the holy Sacraments as they are now ministrated, to be no members of the said Kirk, so long as they keep themselves so divided from the society of Christs Body. Whereby it is manifest, that it was not the said Reformers mind to exclude any from that society by reason of Discipline, and that they did not at that time innovate or change any thing in that policy they found in the said Kirk before the Reformation.*

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This is likewise evident by the Oath to be ministred to the King at his Coronation, by the eighth Act of the said Parliament, whereby he is to swear *to maintain the true Religion of Jesus Christ, the preaching of his holy Word, and due and right ministration of the Sacraments now received and preached within this Realm, and shall abolish and gain-stand all false Religion contrary to the same; without swearing to any innovation of policy and discipline of the Kirk.*

Secondly, it doth evidently appear by these subsequent Acts of Parliament, that by the municipal Law of this Realm, Archbishops and Bishops was not only allowed in the Kirk, but also had Jurisdiction and Authority to govern the same.

I. By the 24. Act of the said Parliament, whereby *all civil priviledges granted by our sovereign Lords predecessors to the spiritual estate of this Realm, are ratified in all points after the form and tenor thereof.* And by the 35. Act of the Parliament 1571. whereby all and whatsoever Acts and Statutes made of before *by our sovereign Lord and his predecessors anent the freedom and liberty of the true Kirk of God, are ratified and approved.*

II. By the 46. Act of the Parliament 1572. whereby it is declared, That Archbishops and Bishops have the Authority, and are ordained to convene and deprive all inferior persons being Ministers, who shall not subscribe the Articles of Religion, and give their Oath for acknowledging and recognoscing of our sovereign Lord and his Authority, and bring a testimonial in writing thereupon within a moneth after their admission.

III. By the 48. Act of the same Parliament, whereby it is declared, That Archbishops and Bishops have Authority at their Visitations to design Ministers glebes.

IV. By the 54. Act of the said Parliament, whereby Archbishops and Bishops are authorized to nominate and appoint at their Visitations, persons in every Parochin for making and setting of the Taxation, for upholding and repairing of Kirks and Kirk-yards, and to convene, try, and censure all persons



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persons that shall be found to have applyed to their own use the Stones, Timber, or any thing else pertaining to Kirks demolished.

V. By the 55. Act of the Parliament 1573. whereby Archbishops and Bishops are authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, *to direct charges to the Minister of the Parochin to proceed to the sentence of Excommunication.*

VI. By the 63. Act of the Parliament 1578. whereby Bishops, and where no Bishops are provided, the Commissioner of Diocesses, have Authority to try the rents of Hospitals, and call for the foundations thereof.

VII. By the 69. Act of the Parliament 1579. whereby the Jurisdiction of the Kirk is declared *to stand in preaching the word of Jesus Christ, correction of manners, and administration of the holy Sacraments*; and yet no other Authority nor Office-bearer allowed and appointed by Act of Parliament, nor is allowed by the former Acts; but Archbishops and Bishops intended to continue in their Authority, as is clear by these Acts following.

I. By the 71. Act of the same Parliament, whereby persons returning from their Travels are ordained, within the space of Twenty days after their return, *to pass to the Bishop, superintendent, commissioner of the Kirks* where they arrive and reside, and there offer to make and give a confession of their Faith, or then within forty days to remove themselves forth of the Realm.

II. By the 99. Act of the Parliament 1581. whereby the foresaid Acts are ratified and approved.

III. By the 130. Act of the Parliament 1584. whereby it is ordained, That none of his Majesties lieges and subjects presume or take upon hand to impugn the dignity and authority of the three Estates of this Kingdom, whereby the honour and authority of the Kings Majesties supreme court of Parliament, past all memory of man, hath been continued, *or to seek or procure the innovation or diminution of the power and authority of the same three Estates, or any of them in time coming under the pain of Treason.*

IV. By the 131. Act of the same Parliament, whereby all judgments and jurisdictions as well in spiritual as temporal causes, in practice and custom, during these Twenty four years by-past not approved by his Highness and three Estates in Parliament, are discharged: and whereby it is defended, *That none of his Highness subjects of whatsoever quality, estate, or function they be of, spiritual or temporal, presume, or take upon hand to convocate, convene, or assemble themselves together for holding of councils, conventions, or assemblies, to treat, consult, or determinate in any matter of Estate, civil or ecclesiastical (except in the ordinary judgments) without His Majesties special commandment, or expresse licence had and obtained to that effect.*

V. By the 132. Act of the said Parliament, authorizing Bishops to try and judge Ministers guilty of crimes meriting deprivation.

VI. By the 133. Act of the same Parliament, ordaining Ministers exercising any office beside their calling to be tryed and adjudged culpable by *their Ordinaries.*

VII. By the 23. Act of the Parliament 1587. whereby all Acts made by his Highness, or his most noble progenitors anent the Kirk of God, and Religion presently professed, are ratified.

VIII. By the 231. Act of the Parliament 1597. bearing, *That our Sovereign Lord and his Highness Estates in Parliament, having special consideration*



ration of the great priviledges and immunities granted by his Highness predecessors to the holy Kirk within this Realm, and to the special persons exercising the offices, titles, and dignities of the Prelates within the same. Which persons have ever represented one of the Estates of this Realm in all conventions of the said Estates; and that the said priviledges and freedoms have been from time to time renewed and conserved in the same integrity wherein they were at any time before. So that His Majesty acknowledging the same to be fallen now under His Majesties most favorable protection, therefore His Majesty with consent of the Estates declares, that the Kirk within this Realm, wherein the true Religion is professed, is the true and holy Kirk: And that such Ministers as His Majesty at any time shall please to provide to the Office, place, title, and dignity of a Bishop, &c. shall have vote in Parliament, sick-like and als freely as any other Ecclesiastical Prelate had at any time by-gone. And also declares, That all Bishopricks vaicking, or that shall vaick, shall be only disposed to actual Preachers and Ministers in the Kirk, or such as shall take upon them to exerce the said function.

IX. By the 2. Act of the Parliament 1606. whereby the ancient and fundamental policy, consisting in the maintenance of the three Estates of Parliament, being of late greatly impaired and almost subverted, especially by the indirect abolishing of the Estate of Bishops by the Act of annexation: Albeit it was never meant by His Majesty, nor by his Estates, that the said Estate of Bishops, being a necessary Estate of the Parliament, should any ways be suppressed; yet by dismembring and abstracting from them of their livings being brought in contempt and poverty, the said Estate of Bishops is restored, and redintegrate to their ancient and accustomed honour, dignities, prerogatives, priviledges, lands, teindes, rents, as the same was in the reformed Kirk, most amply and free at any time before the Act of annexation; rescinding and annulling all Acts of Parliament made in prejudice of the said Bishops in the premisses, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, priviledges, and prerogatives competent to them or their Estate since the reformation of Religion.

X. By the 6. Act of the 20. Parliament, declaring, That Archbishops and Bishops are redintegrate to their former authority, dignity, prerogative, priviledges and jurisdictions lawfully pertaining and shall be known to pertain to them, &c.

By the 1. Act of the Parliament 1617. ordaining Archbishops and Bishops to be elected by their Chapters, and no otherways, and consecrate by the Rites and order accustomed.

Here follows their Answer, with marginal Notes upon such things as deserve Animadversion.

An Answer to the profession and declaration made by James Marquess of Hamilton, His Majesties high Commissioner at Edinburgh, Anno 1638. in December.

THIS ancient Kingdom, although not the most flourishing in the glory and wealth of the World, hath been so largely recompensed with the riches of the Gospel, in the reformation and purity of Religion from the abundant mercy and free grace of our God towards us, that all the reformed Kirks about us, did admire our happines. And King James himself of happy



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happy memory, gloried that he had the honour to be born, and to be a King in the best reformed Kirk in the world. Those blessings of pure Doctrine, Christian government, and right frame of Discipline we long enjoyed, as they were prescribed by Gods own word; who as the great Master of his Family, left most perfect directions for his own *æconomie*, and the whole officers of his house: till the *Prelats*, without calling from God, or warrand from his word, did ingire themselves by their craft and violence upon the house of God. Their crafty entry at the beginning was disguised under many cautions and caveats, which they never observed, and have professed since, they never intended to observe, though they were sworn thereto. Their ways of promoting their course were subtile and cunning: as in abstracting the registers of the Kirk, wherein their government was condemned; in impeding yearly general Assemblies, whereunto they were subject and comptable; and generally in enfeebling the power of the Kirk, and establishing the same totally in their own persons: whereby in a short time they made such progress, that being invested in the prime places of Estate, and arming themselves with the boundless power of the high Commission, they made themselves lords over Gods inheritance: and out of their greatness, without any shew of order or Council, without advice of the Kirk, but at their own pleasure enterprised to alter and subvert the former doctrine and discipline of this Kirk, and introduce many fearful corruptions and innovations, to the utter overthrow of Religion; and to make us no less miserable than we were happy before. These pressing grievances did at length awake the good Subjects to petition His Majesty and his Council for redress. And albeit at last, after many reiterated supplications and long attendance, His Majesty hath been graciously pleased to grant a free general Assembly; yet in the beginning, by the credit of the *Prelates*, and their commodity of access, His Royal ear was long stopped to our cries, and we discharged under the pain of Treason to meet for making any more Remonstrances of our just desires.

In this distress none other mean, nor hope of redress being left, we had our recourse to God, who hath the hearts of all Kings and Rulers in his hand; and therefore taking to our heart, that God had justly punished us, for the breach of that national Covenant, made with God, in *Anno 1580*. We thought fit to reconcile our selves to him again, by renewing the same Covenant. And so, in obedience to his † divine Commandment, conform to the practice of the godly in former times, and according to the laudable example of our religious Progenitors, warranted by Acts of Council, we again renewed our confession of Faith of this Kirk and Kingdom, as a real testimony of our fidelity to God, in bearing witness to the truth of that Religion whereunto we were sworn to adhere in Doctrine and Discipline, of our loyalty to our Sovereign, and mutual union among our selves in that cause. Which Confession, with a sensible demonstration of Gods blessing from Heaven, was solemnly sworn and subscribed, by persons of all ranks, throughout this Kirk and Kingdom, with a necessary explanation and application for excluding the innovations and corruptions introduced in the Religion and government of this Kirk, since the year 1580. that so our Oath to God might be clear for maintenance of the Doctrine and Discipline then professed and established, and according to the meaning of that time.

The happy effects of this our resolution and doing, have been wonderful: And since that time Gods powerful hand in the conduct of this business

† There is no divine commandment in Scripture, nor example of the Christian Church for subscribing any confession without the consent of the supreme Magistrate if he be a Christian.



business hath evidently appeared. For after some time, upon the continuance of our groans and supplications, our gracious Sovereign was pleased to send into this Kingdom, The noble Lord *James* Marquess of *Hamilton*, &c. with commission to hear and redress our heavy grievances: who after many voyages to His Majesty, and long conferences and treating with us, needles to be related in this place, did in end, by commandment from His Majesty, indict a free general Assembly to be holden at *Glasgow* the twenty one of *November* last, and proclaimed a Parliament to be holden at *Edinburgh* the fifteenth of *May* next to come, for settling a perfect peace in this Kirk and Kingdom: And further to give full assurance to the Subjects, that His Majesty did never intend to admit any change or alteration in the true Religion, already established and professed in this Kingdom: And that all his good people might be fully and clearly satisfied of the reality of his royal intentions for the maintenance of the truth and integrity of the said Religion, His Majesty did injoin and command all the Lords of his privy Council, Senators of the Colledge of Justice, and all other Subjects whatsoever, to renew and subscribe the confession of Faith formerly subscribed by King *James* of blessed memory and his household in *Anno* 1580. and thereafter by persons of all ranks, in *Anno* 1581. by ordinance of the Council, and Acts of the general Assembly, and again subscribed by all sorts of persons in *Anno* 1590. by a new ordinance of Council, at the desire of the general Assembly, with a band for maintenance of the true Religion, the Kings person, and each of other in that cause: as the Proclamation of indiction, being dated at *Oatlands*, the ninth of *September*, published at the Mercat-cross of *Edinburgh*, the 22. of the said moneth, more fully propoerteth.

Upon the hearing of which Proclamation, These who were attending at *Edinburgh*, and expecting a gracious answer of our former desires, as out of bounden duty they did with all thankfulness acknowledge His Majesties gracious favour: So out of zeal to God and Religion, they did protest, that they who had by the late Covenant and Confession condescended more specially to the innovations and errors of the time, could not after so solemn a specification, return to an implicit and more general confession enjoyned, conform to a mandat, apparantly discrepant from the genuine meaning of the confession, and wanting both explication and application, and did most humbly and earnestly desire the Lords of His Majesties Council, that they would not, in regard of the former reasons, press upon the Subjects the subscription of this Covenant, but that they might be pleased to forbear their own subscribing of it, in respect of the inconveniences might result upon their subscribing thereof, in an ambiguous sense; but their Lordships not having subscribed that confession, containing our former explanation, and being required by His Majesties Commissioner, to subscribe the Confession, as it was drawn up, and presented to them, without our explanation, with a general band for maintenance of the Religion in Doctrine and Discipline now presently profest, and of His Majesties person, least these words (*now presently*) repeated in this year 1638. should infer any approbation of these innovations, introduced since the year 1580. whereof many did justly complain, after deliberation for removing of this scruple and prejudice, and clearing of their own meaning; they caused make an act of Council, that their swearing and subscribing of the confession of Faith was according to the tenor and date the second of *March* 1580. according as it was then profest within this Kingdom: whereupon they rested satisfied, being confident that the general



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Assembly then indicted, would remove any doubt and difference which might arise anent the meaning and interpretation of the confession of Faith, and clear what was profest in the year 1580. Yet some having subscribed that Covenant in different senses, others forbearing to subscribe the same, as some of the Lords of Session, till the Assembly should declare the genuine and true meaning of the Confession, upon whose interpretation, as of the only competent Judge, they might acquiesce, and rest satisfied: which now after accurate tryal of the acts of general Assemblies, and mature deliberation, is fully cleared, and explained in this last general Assembly by Gods mercy, and His Majesties gracious favour of indiction, holden at *Glasgow*: as the act made thereupon doth proport: whereby Episcopal government, mongst many other innovations is found upon undeniable evidences of truth and declared to be condemned and abjured in this Kirk, in *Anno* 1580. There is notwithstanding published in name of His Majesties Commissioner a declaration, tending to dissuade His Majesties Subjects from receiving the explanation of the confession made by this Assembly, and affirming that the confession subscribed by the Council, doth no ways exclude Episcopal government, nor any thing else established by Laws standing in force, the time of the taking of the said Oath, the ninth of *September* last; notwithstanding the foresaid act of Assembly, which as the decree of our mother Kirk ought to be received and revered by all her children, and act of Council, whereof the words are so clear, as they cannot admit any mental reservation, which is acknowledged by such of the Counsellors then present and subscribers, whose hearts God hath touched, to make the sense of their Oath to God, preponder with them above all other worldly respects and fears.

**T**HIS Declaration containeth five arguments, with a boundle of acts of Parliament, quotted and drawn up by some persons, whom we know not; but seen and approven by the Commissioner: whereby his Grace indeavoreth to evince his conclusion, that *Episcopal government was not abjured by the Council, nor the Covenant* 1580. Which is so repugnant to the acts of the Kirk; the act of Council, and all reason, that we are confident, the same will make no impression in the judgment of any well affected Christian, as shall be evident by our following answers, which we offer to the readers consideration, after he hath first expended these generals.

*Four general considerations of the Declaration.*

† The Lords of Council did take and were to take this Oath as well as any other in the known sense of us who commanded it, and therefore any Act of Council for their explanation was unnecessary, and it is unjustly affirmed that this Declaration or Explanation was made by Our Commissioner, for it was made by Us, but published by him at our Commandment, as is plainly expressed in the title of it.

1. † This Declaration is only made by His Majesties Commissioner, and not by the Lords of secret Council, who should be fittest Interpreters of their own act, and whose act should be the ample expression of their meaning, else acts of Council, by possibility of admitting the variable commentary of intentions, will lose all force and

vigour in themselves. And yet it is evident that the Counsellors have not only actually sworn to maintain the Religion and Discipline established in *Anno* 1580. When Episcopacy was condemned; but likewise intended to do so: because they have distinguished and opposed between the Religion presently professed in *Anno* 1638. mentioned in the Proclamation, and the Religion professed in *Anno* 1580, mentioned in their act; and by that opposition of *now* and *then*, they reject the one, and swear the other: otherwise



otherwise they needed no declaration: which notwithstanding accompanies their subscriptions, and is acknowledged by the Commissioner in the second line, to be an Act explaining the Confession, for obedience whereof all those who have subscribed that Covenant have done the same.

2. Albeit His Majesty did not conceive any difference between the Religion, Doctrine and Discipline now profest, from that which was in *Anno 1580.* (wherewith His Majesty can hardly be acquainted; without perusing the Records of Assemblies) yet His Majesties real intention was to maintain the Confession of Faith professed in *Anno 1580.* because His Royal design by that Commandment was to maintain true Christian Religion in purity (whereunto Episcopacy by this Kirk was ever judged and condemned as prejudicial) and to remove the fears of His Majesties good Subjects, complaining of by-gone innovations, and apprehending greater changes: which ends are only obtained by subscription of the Confession as it was *Anno 1580.* And no wise by maintaining the Religion now presently profest; because the corruptions now presently received in this Kirk, are the grounds of our just complaints, as being \* contrary to the Word of God, and foresaid Confession in *Anno 1580.*

3. We must distinguish between Oaths, tendered by the first framers of the Confession, † the whole Kirk, who have power to interpret and explain the same, and Oaths required, to be renewed by the supreme Magistrate the Kings Majesty, who as *custos utriusque tabulae*, and a true \* Son of the Kirk, ought to receive the true meaning of the Kirk, and cause it to be received of those whom God hath subjected to him.

And we are confident that His Majesty, in His just and pious disposition, will never take away the benefit of that Holy National Oath, and Confession of Faith subscribed by His Majesties Father of blessed memory, 1580. and now lately renewed again, and solemnly sworn by the Subjects of this Kingdom, upon the pretence of any intentions repugnant to the true sense of that Confession: which even as it is subscribed by the Council, doth never import that His Majesty was framing or administering any New Confession or Oath, but only enjoying to renew the Old Confession, 1580. and therefore unquestionably should be taken in the true meaning of that time.

4. If there were any real opposition betwixt His Majesties Proclamation and the Act of Explanation made by His Majesties Commissioner and Council, \* yet the last must be observed and preferred before the first, because the first is his private will, the second his publick, and judicial will. *Et posterior derogat priori, publica privatae.* And albeit we do not now express that the Council did subscribe the Confession of Faith in obedience to a mandat, where there was any contrariety, repugnancy, or ambiguity betwixt the mandat and the Confession it self, which was commanded, yet the Council making an Act that they did subscribe it as it was professed, 1580. and declaring publickly that this was their own meaning, both they and such

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\* But when shall they be proved to be contrary to the Word of God?

† They themselves do know that this Confession was not framed at first by the Church as the positive Confession was, but by one Master John Crage, and commanded by the Authority of Our Royal Father, He did advise with the Church concerning it, but they received it from him, not he from them.

\* That the supreme Magistrate should as the Son of the Church only receive the meaning of the Church, and cause it to be received by His Subjects, is not only the Jesuitical tenet, but their very words and syllables, and as they are alledged here, very false, for the greatest part of this Confession containeth not matters of Faith, but of Government, Discipline and Ceremonies: besides this Confession was first enjoined by Our Royal Father and His Council before it was approved by the Church: How then Our Royal Father, if He were now living, should receive the meaning of it from the Church after He had subscribed it, and commanded His Household to do so; or we should now receive the meaning of it from the general Assembly after it was subscribed by Our Commandment, We cannot apprehend.

\* Nay the first should be preferred: for if Our Commissioner and Council had explained it contrary to Our meaning, Our Declaration coming after should be preferred to their misinterpretation.



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of His Majesties Lieges, who did subscribe in obedience of their charge, are obliged to observe *rem juratam*, and the real matter of the Oath (more than the mind and mandat of the prescriber) especially seeing it is no new Confession, but the renewed Confession of the whole Kirk of *Scotland*; The meaning whereof cannot be declared nor interpret by any, but the whole Kirk of *Scotland* who now upon unanswerable reasons, have clearly found that Episcopal Government, was then abolished and abjured: It followeth by good consequence, that the Council did both virtually and verily swear, yea intend to swear the abjuration of Episcopacy, which is found by that Confession 1580. and the discipline of the Kirk then established, to be a corrupt Government in this Kirk, of human invention, wanting warrand from the Word of God, tending to the overthrow of this Kirk: So that any Declaration in the contrary hereof is *protestatio contraria facto*, and the reasons thereof cannot be forceable, to brangle the resolution of any judicious well affected Christian, if he will patiently read and ponder, without preoccupation, these following Answers to the five Reasons insert in that Declaration.

*Answer to the First Reason.*

\* The last part of the first Reason is quite omitted, though in it lyeth the principal explication of this first Reason.

The First alledged Reason is this, that His Majesty could not command an Oath absolutely unlawful: but it is absolutely unlawful to swear against any thing established by the Laws of the Kirk and Kingdom, if the same be not repugnant to the Word of God or repealed by posterior Laws. \*

To this we Answer, *First*, The Kings Majesty by commanding His Subjects to renew the Confession of Faith for maintaining the Doctrine and Discipline profest in *Anno* 1580. hath commanded them to abjure whatsoever is found by the competent Judge to be introduced since that time repugnant thereto, albeit by the corruption of times it were countenanced with some Law interveining. *Secondly*, The Lords of Council and Session and other Subjects have subscribed the Confession of Faith as it was 1580. not only without any restriction of it to the present Laws, but in a direct opposition to what is presently established by returning from the present corruptions in the profession, *tanquam termino à quo*, to the profession, 1580. *tanquam terminum ad quem*: which a \* great part of Councellors and other Subjects have declared to be their meaning. *Thirdly*, Episcopacy is found by the Kirk of *Scotland* in many Assemblies to be an an office unwarranted by the Word of God, unlawful and repugnant thereto: so that the abjuration thereof in this Kirk is lawful and necessary. *Fourthly*, Episcopacy was never † restored by any Assembly of this Kirk, nor these Assemblies wherein it was condemned, repealed, without the which the same could not be established by a Parliament, whose Power doth no more reach to the placing Officers originally in the Kirk, than the Kirks power to the making States-men in the Common-wealth. *Fifthly*, The Laws which any ways contribute to the introduction of Episcopacy, do only extend to Civil Priviledges, and were always protested against by the Kirk, as contrary to the National-Covenant of this Land. *Sixthly*, If any Assembly can be pretended to countenance Episcopacy or other corruptions, it sufficeth to say that the same with all the acts thereof is declared to have been null and void *ab initio* for undeniable Reasons, as the Act at more length propoerts. *Seventhly*, The breach of our National-Covenant by introduction of corruptions thereby abolished, hath undoubtedly in high measure offended God: and therefore at the renovation of that Cove-

\* How many of them have determined so? they know that they are not comparable in number to those who have determined the contrary.  
† Most false.

nant



nant again with God, we ought not only to abjure all these innovations, but hereafter should be careful not to be relapse in our offence. *Eighthly*, In no Covenant Episcopacy is expressly or *specifice* abjured, before all Ecclesiastical Laws favouring the same was repealed, and declared null, but only virtually and generally, as being formerly abjured in *Anno 1580*. And as the tryal hereof was referred to the Assembly, as the only Judge competent, so now when the Assembly hath declared and found Presbyterian Government to have been approved, and Episcopal Government condemned, abolished and abjured in *Anno 1580*. and in lieu of perceiving that Episcopacy is of an Apostolick Institution, have clearly seen that it is justly condemned in our Kirk, as the invention of man wanting warrant or fundament in the Word of God, tending to the overthrow of this Kirk, Therefore albeit Episcopacy had been abjured expressly in the renovation of this Confession commanded by His Majesty, it was not unlawful, but most necessary and incumbent to us all, who are tyed by that National Covenant against that unlawful Hierarchical Government, albeit we had never renewed the same: But we are falsely calumniat to have condemned the name of a Bishop, even as it is used in Scripture, which the Act of Assembly it self, sufficiently refutes, by allowing *S. Pauls* Bishops to wit Pastors of a particular Flock, and condemning only all other Bishops brought in without the warrant of Scripture.

*Answer to the Second Reason.*

The Second Reason in the Declaration is, that the Oath for preserving the Discipline and Government of the Kirk, cannot oblige after the alteration and change of that Discipline and Government: and seeing the Discipline and Government of the Kirk is not only alterable, but changed in this Kirk, we are not tyed by that Oath, after the alteration.

Whereunto we Answer, *First*, That it is true, that Policy and Order in Ceremonies is temporary and may be changed, as is meant in that Article of the Confession cited in the Declaration: But a Bishop, or his Office, or the Government of Gods House cannot be called a Ceremony, nay, they will be loath to be villified by that appellation: but if it be a Ceremony, they are of no Apostolick constitution, as is mentioned in the First Reason: so that if they be lawful Governours in Gods House, warranted by His Word, they are not alterable: and so this Second Reason militates not for them, if their Office be changeable, and accounted among alterable Ceremonies: they are well exploded from our Kirk; and may be so by that Second Reason of the Declaration, *Secondly*, One cause of General Councils is, for constituting a good Order and Policy in Ceremonies: which is grounded upon the last Verse of the 14. Chap. to the 1. *Corinth*. *Willing that all things be done decently and in order*, wherein the Lord giveth not power to institute new Officers in His Kirk, but commandeth His own Officers to exerce their Functions by His Commandments without indecency, or confusion, in the variable circumstances thereof, to be determined according to the present occasions of Edification. *Thirdly*, In the fifteenth Chapter of the same Confession of Faith, all mens inventions in matters of Religion are condemned; and in the Nineteenth Chapter, Ecclesiastical Discipline uprightly ministred as Gods Word prescribeth. *Matth. 18. 1 Cor. 5.* is set down as the third essential and unchangeable mark of the true Kirk of God; and so is not of that nature with temporary, changeable Ceremonies; though unwarrantably ranked with



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with them in the Declaration. *Fourthly*, It is evident at our first Reformation what Policy was perpetual, and what Ceremonies changeable, for in the first Book of Policy compiled that same year with the Confession, ninth head is expressed a two-fold Policy of the Kirk; the one absolutely necessary in all Kirks, the other not necessary, but changeable; such as, what day of the week Sermons should be, and the like; whereof they established no Order, but permitted every particular Kirk to appoint their own Policy, as they thought most expedient for Edification; if parity of reason will make Episcopacy of this nature, let all men judge. *Fifthly*, Our Confession speaketh of an Order in Ceremonies; which cannot be appointed for all Ages, as is before said. But when they speak of the Office-Bearers in the Kirk, they acknowledge according to the Truth, that Christ himself appointed an ordinary constant Government of His Kirk by His four ordinary Office-bearers, the Pastor, Elder, Doctor, and Deacon, to administrat the same perpetually; as is set down in the first Book of Discipline, and in the Treatise before the *Psalms*, which was drawn up at that same time, and allowed by the same persons. Like as in the Year of God, 1560. when that Confession was made, and in the Year 1567. when it was ratified, and by continual Acts of Assembly, and by the Second Book of Discipline; the Government of Christs Kirk by these four ordinary Office-bearers, is set down as founded only upon the Word of God, as constant, unchangeable, and perpetual; and as that holy discipline without which Gods Word cannot be preserved; so that the intruding of any other Officer in Gods House was accounted an offence against the Lord of the House. *Sixthly*, By our Oath, we are obliged to continue in obedience of Discipline as well as Doctrine, because they are both grounded on the Word of God, without the warrand whereof, all Traditions that are brought in are abjured, and the Discipline of the Kirk of *Scotland* is set down in the Book of Policy, as grounded on Gods Word and commanded to continue to the worlds end, whereunto we have sworn, and cannot without Perjury to God, gainsay it, like as the Assembly ordains the Discipline of the Kirk to be subscribed as such, and the Act of Parliament, 1592. ratifieth the Discipline of the Kirk, as a Priviledge granted by God, whereinto the Kings Prerogative cannot be prejudicial. *Seventhly*, It carrieth no shew of Argument or face of probability, that the Kirk and Reformers of Religion which condemneth all other ordinary Officers in the Kirk, but these four appointed by Christ, did mean under the name of variable Ceremonies, to comprehend and admit Episcopacy, which frequently they condemn, as an invention of man, without the warrand of Gods Word, tending to the overthrow of the Kirk and purity

\* Because in the XXI. Article, cited, the word Ceremony is used, therefore they would infer that this Reason supposeth Episcopal Government to be but a Ceremony: But weakly, for the reason consisteth in the word Policy which they take no notice of, and Episcopal Government being a part of Ecclesiastical Policy, they hold the one alterable, (as all they do who adhere to that XXI. Article) must needs hold the other so too: nor can it be inferred from any thing in this Reason that Episcopal Government is maintained by it to be alterable, but that they themselves, and that XXI. Article do hold it to be so.

of Religion. *Eighthly*, \* The *Prelats* themselves will not grant Episcopacy to be reckoned in the Orders of Ceremonies, which cannot be unchangeably constitute for all Ages, times and places, but are temporal as devised by man; and so changeable, when they rather foster Superstition than Edifie the Kirk, but herein they will disclaim the benefit of this Second Reason, and undoubtedly affirm, that Episcopal Government, not only may be, but should be, and was appointed for all Ages, times, and places; and that

it is not the device of man temporal and changeable, but deriveth its extraction from Divine Apostolick, at the least Ecclesiastical, perpetual and



and necessary institution, as is averred in the first Reason; and so should ever be unchangeable. *Ninthly*, This Kirk hath ever condemned all such as held the Discipline and Policy thereof, to be indifferent and changeable; and in particular in *Anno 1581*. which is the year of the subscription of the Confession of Faith, and Book of Policy, Mr. *Robert Montgomery* is accused and condemned for that Doctrine. *Tenthly*, In the Assembly 1596. upon the Kings Majesties proposition, and demand that it might be lawful for him to reason or move doubts, in any point of the external Policy, Government, or Discipline of the Kirk, which are not Answered *affirmative* or *negative* in the Scripture. The Assembly concluded, that it might be lawful for His Majesty, or His Commissioner, to propone any point to the General Assembly, in matters of external Government, alterable, according to the circumstances, providing it be done in right time and place, *Animo ædificandi, non tentandi*: But as for the essential Discipline, in the Book of Policy: \* The same Assembly desireth the Kings Majesty to declare before His Estates, that he never intended to prejudge the same. *Eleventhly*, Albeit it were granted that Discipline were changeable, yet now seeing by the Kings Majesties own consent, we have sworn to maintain the Discipline of the Kirk of *Scotland*, as it was 1580. we are obliged strictly, *interposito juramento*, to abide by that Discipline *specificè*: At least till it be lawfully changed by the Kirk of *Scotland*, in her free General Assembly, which can never be presupposed: because *in rei veritate*, the Discipline, as well as the Doctrine, is acknowledged and sworn to, as unchangeable, wherein we must continue all the days of our Life: and defend the same according to our power, under the penalty of procuring deservedly upon our selves, all the Curses contained in Gods Word. *Twelfthly*, The Doctrine of the Kirk of *Scotland*, condemned Episcopal, and re-established Presbyterial Government perpetually: which we have acknowledged by joyning our selves in the assertory part of our Oath, unto the Kirk of *Scotland* in Doctrine as well as in Discipline, and in the promissory part thereof by swearing to continue in the Obedience of the Discipline, as well as Doctrine: to show that Discipline as well as Doctrine, is not variable, nor so sworn to by us: but as an immutable Law and Constitution, which we are obliged to maintain perpetually.

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\* The Assembly desired it, but did ever Our Royal Father do so?

*Answer to the Third Reason.*

The Third Reason is, that we who subscribed the Covenant, acknowledged that Episcopacy was not abjured thereby, which is qualified by two instances. First, That the Ministers in their Answers to the *Quæres of Aberdeen*, expressed themselves in that sense, holding these things for the present not to be abjured, but only to be referred to the Tryal of a free General Assembly. Next, that it is averred in our last Reasons against the subscription urged by His Majesty, that this Oath, required by His Majesty, doth oblige the takers of it, to maintain *Perth* Articles, and Episcopacy.

This needeth no Answer, if the preceeding narration, and the whole passages of the business were considered and known; for in the application of our Covenant, we did not expressly & *specificè*, abjure Episcopacy, but only generally and virtually, by abjuring whatsoever was abjured in the Confession, 1580. which we found to be a strong band, lying upon us to bind us straightly to the obedience of the Discipline then established: wherein because there had interveened some alterations, we permitted



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mitted justly the tryal thereof to the Kirk, whether Episcopacy, *Perth*-Articles, and other Innovations were not condemned and abjured by the said Oath, which now the Assembly after careful search and examination of the Records have clearly found. This is the true meaning and substance of the Answer made to the Quæries of *Aberdeen*, and ought also to be the ingenuous meaning of the Counsellors, who by their Act declared they subscribed the Confession, 1580. as it was then professed: which is consonant to our general application, and which being now declared by their mother Kirk, they ought to reverence and obey, and not upon light and subtil pretences to neglect and contemn. II. For the second instance: It is true that when the Council was urged to subscribe the Confession, 1580. conform to the Wartands bearing (that they should maintain the Religion now presently profest) we justly feared, that the same being subscribed in 1638. would comprehend Episcopacy, *Perth*-Articles, and all other corruptions introduced since 1580. And therefore both in our written Reasons against that subscription, and in our Speeches at the Council-Table, and to sundry Counsellors in private, we dehorted them upon that Reason from that subscription: which was the true cause why

\* We desire any man living to produce from any Jesuit or the greatest Patron of Equivocation, yet ever heard of, such a wicked position as this, that the swearer is neither bound to the meaning of the exacter of the Oath, nor to his own meaning who takes the Oath, but to the reality of the thing sworn, as it shall be afterward explicated by the competent Judge: For then no man can tell what he sweareth, when he sweareth; if the declaration of the competent Judge shall come after; it were to be wished that he who set down this proposition, had set his hand to it, that the World might take notice of him for an ignorant fool and an arrand knave: In the mean time, till *Johnstoun* find out another, he must be taken for the man, because his hand is at this foolish Pamphlet.

the Council being convinced with that Reason, made their explanatory Act, declaring that they subscribed the Confession according to the meaning, 1580. and as it was then profest, for removing of that doubt. 3. \* Albeit by the meaning of the prescriber of an Oath, the swearer were tacitly bound to maintain Episcopacy, Five Articles of *Perth*, and such-like, yet according to the premittid considerations, he is more obliged to the reality *rei juratæ*, which is now declared and found to abjure Episcopacy, &c. Nor to the meaning of the prescriber or his own either, being contrary to the explanation of the sovereign Judge competent.

*Answer to the Fourth Reason.*

The Fourth Reason is Syllogistically urged thus: It cannot be denied but that Oaths ministred unto us, must either be refused or else taken, according to the known mind, professed intention, and express Command of Authority urging the same. But it is notoriously known, that His Majesty, not only in His Kingdoms of *England* and *Ireland*, is a maintainer of Episcopal Government, but likewise is a defender, and minds to continue a defender thereof in His Kingdom of *Scotland*. And therefore the Oath being taken, and not refused, must be sworn conform to His Majesties known meaning. The minor is confirmed from our own Assertions.

\* This is directly contrary to the words of their own protestation against Our Proclamation, dated the ninth of *September*: see their ninth Reason in that Protestation against the subscription to our Covenant, and you shall find it flatly contradictory to this which they affirm now.

To this it is Answered, *First*, That in contradictory Oaths, \* the Swearer is more obliged to the true meaning of the Oath, clearly expressed therein, than either to his own meaning, or any sense of the prescriber, being contrary thereunto. Especially in this Case, where there is no new

Oath which may receive any new meaning, but the renovation of the old Oath, which can admit no new destructive sense: but must be sworn conform to the genuine original first meaning. *Secondly*, The Oath was justly refused.



refused by us upon that ground of discrepance amongst many others ; and such like, was not received by the Council, till they declared their meaning by Act *simul & semel* with their subscription. *Thirdly*, We do not meddle with the Kirks of *England* or *Ireland*, but

\* recommends to them the pattern shown in the Mount : all our Arguments and Proceedings being for the Kirk of *Scotland*, where, from the time of her more pure Reformation than of her Sister Kirks, Episcopacy hath ever been abolished, till the latter times of corruption.

\* They do not meddle with the Church of *England*, but yet in all their Writings declare that the Government of the Church of *England* is against the Word of God, and the Pattern shewed in the Mount : and that their new fancied Government, contained in their Imaginary Books of Discipline, is only according unto it.

So that though His Majesty hath hitherto maintained Episcopacy in *Scotland*, because His Majesty wanted the means to be informed of the Acts of this Kirk, yet we know that God hath so richly replenished His Royal Breast, with such Justice and Piety, that when His Majesty shall receive perfect information, we are confident that He will never desire any change or alteration in our ancient Kirk-Government and Discipline. Especially now when His Majesty caused the maintenance thereof to be religiously sworn.

*Answer to the Fifth Reason.*

The fifth and last reason is, that we can never make it appear, that Episcopal Government, at the first time of administering the Oath was abolished ; the very words of that Confession of Faith immediately after the beginning of it, being these : *Received, believed, and defended by many and sundry notable Kirks and Realms, but chiefly by the Kirk of Scotland, the Kings Majesty, and three Estates of this Realm, as Gods eternal truth, and only ground of our salvation.* Whereupon is inferred that Bishops, Abbots and Priors, made up, at that time a third Estate of this Realm, which gave approbation to the Confession of Faith ; and therefore this third Estate did not abjure Episcopacy. And albeit it had been abolished by Acts of Assembly, yet it was not so by Act of Parliament, but in force by many of them standing unrepealed, which are annexed to the Reasons. Which being the Acts of a Monarch, and His Three Estates, are never repealable by any Ecclesiastical National Synod.

For Answer hereunto, *First*, It doth appear and is manifest by the Registers and Acts of Assembly, that before the subscription of the Confession at the time thereof, and thereafter : That Abbots, Priors, and Bishops were so clearly, evidently, and expressly condemned in this Kirk, that the best wits of this Age opposers of Episcopacy cannot yet require one syllable to be added for farther assurance, and the most able maintainers thereof could not pick any quarrel to the clearness of the expression. *Secondly*, The clause cited in the reason, is only anent the doctrine, and not anent the discipline, which thereafter is determined and the *Hierarchy* detested : and the Discipline of the Kirk sworn unto. *Thirdly*, Albeit that clause were of Discipline, yet it maketh nothing for Bishops, except by inference, that they are comprehended under the name of the third Estate : which cannot be so understood, for collections by way of inference or *ex consequenti*, cannot be adduced against the express Acts of the time : wherein the makers signify their minds in clear terms, & *apertissime dicendo*, leaveth no place to presume the contrary : especially in this Kingdom, where these expressions of *stylus curiæ* are carefully observed without change : which may be seen in the same case by many Parliaments : where it is notour that



\* But it is most notorious that at those Parliaments which were holden when the Confession of Faith was first sworn unto, Bishops had voices and were present, and so then Episcopal Government could not be abjured: for proof whereof We refer the Reader to the Parliament Roll inserted at the end of this Answer.

that no \* *Prelate* was present or allowed: and yet the Acts propoing to be made by His Majesty and three Estates are interpreted by the quoter as made by the *Prelats* with others.

*Fourthly*, Episcopacy was abolished not only by Acts of Assembly, but there is no standing Laws

for Episcopal Government, but some against the same, as shall be evident in the Answer made to the Acts of Parliament, subjoyned hereto: but if there be any Acts of Parliament standing for Episcopacy, the Kings Majesty, His Commissioner, the Council, the Collective-body of the Kingdom, hath actually renounced the same by returning to the Doctrine and Discipline, 1580. whereunto Episcopacy is contrare: which God-willing may also be enacted at the next Parliament, proclaimed to be holden by His Majesty in *May*, 5. The Acts of the Assembly, and the Book of Policy in the first and tenth Chapter, putteth clear merches betwixt Civil and Ecclesiastical Jurisdiction; making every one independent in matters properly belonging to their own judicatory, and every one subject to the other

in matters properly belonging to that other. † So that as the Assembly cannot make Civil Laws nor repeal them, nor impede the Parliament from making or repealing Civil Laws, no more can the Parliament make Ecclesiastical Laws originally,

† Let any Kingdom which is acquainted with Parliaments consisting of a Monarch and His three Estates, digest this Proposition, and then the Parliament can be no more the highest Court of the Kingdom.

nor repeal, or hinder the Lawful Assemblies to repeal the same. For albeit Acts of the Assembly are, and may be ratified in Parliament, that is, only that the Civil Sanction may concur with the Ecclesiastical Constitution: But will not stop the Assembly to recall their own Act: which being adnulled

by them, the \* Civil Ratification and Sanction falls *ex consequenti*. For to maintain that the Kirk may not repeal her own Acts, ratified once in Parliament, is so derogatory to Christs Prerogative and ordinance, to the liberty of the Kirk, and freedom of the Assembly, to the nature, end, and reason of all Ecclesiastical Jurisdiction, ( as

\* A most false position: As if the Convocation in *England*, or the general Assembly in *Scotland* had power to reconcile the two Kingdoms to the Church of *Rome*, to reduce Popery into them, and to restore to the Church all the *Abby Lands*, notwithstanding many Acts of Parliaments in both Kingdoms to the contrary.

we have more largely cleared in the Protestation, 22 *Septemb.* last ) that we believe few or none will be of that opinion. All these five Objections and many more was agitate and discussed in the Assembly, before the Act anent Episcopacy was made.

#### *Conclusion.*

And seeing the General Assembly of the Kirk of *Scotland*, indicted by His Majesty now holden at *Glasgow*, which is the only Judge competent and fit interpreter to remove and explain all doubts, arising upon the Confession of Faith, hath after long, religious and mature declaration, expounded the same, and clearly found that Episcopal Government in this Kirk, amongst other corruptions, is abjured by the Confession of Faith, as the same was profest within this Kingdom, hath discharged all subscription to the Covenant, subscribed and interpreted by His Majesties Commissioner, hath commanded the Covenant subscribed in *February*, with the application to be now subscribed according to her present determination: therefore we trust that the knowledge hereof, will be a sufficient warning to all good Christians and Patriots, that they subscribe not the one, and that they subscribe the other, according to the genuine and true meaning thereof, declared by



would eshew the crime and danger of a contradictory Oath, and we would most humbly and earnestly beg of His Sacred Majesty, from the bottom of our hearts, that his Majesty would be graciously pleased to Command, that the same may be so subscribed, conform to the declared explanation of the Kirk; which would prove the greatest happiness and joy that ever befell these disconsolated Subjects of this Nation, who (though unjustly branded with many calumnies) yet never have, nor ever shall swerve from our Loyalty due to the Lords Anointed: But would readily embrace any occasion to employ our lives and fortunes for His Majesties Service and Honour: who (we heartily pray God) may long and happily Reign over us.

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*Anent Acts of Parliament.*

\* There is annexed to this Declaration a quotation of sundry Acts of Parliament, to prove that Episcopal Government was not abolished in the year 1580. whereunto albeit there is no necessity of Answer, seeing the meaning of the Kirk

\* For the Cavils here made against the Acts of Parliament, cited in the explanation, they will be sufficiently confuted, if the Reader will take the pains to read the Acts; for then he shall easily discover that these exceptions are not only weak, but none at all.

of *Scotland* in her Confession of Faith is only to be sought from her self, and the Registers of her Assembly, and not from the Parliament, yet the same shall be specially answered in the order that they are alledged: after these two generals are offered to the Reader his consideration. *First*, After the Reformation of this Kingdom, the Kirk was still wrestling against all corruptions, and especially against Episcopacy. But though they clearly and frequently condemned the same, yet the power of the Enemies of Reformation withstood them long: So that her own Policy could not be obtained ratified expressly & *specificè* in Parliament, till the year of God 1592. which abrogateth all those preceeding Acts, alledged in the contrary. *Secondly*, That Acts of Parliament can no more make Ecclesiastical Offices, nor give Ecclesiastical Priviledges, nor the Acts of Assembly can establish Civil Offices of Estate, or grant to them Civil Priviledges; each Judicatory being properly confined within their own spheres.

*Answer to the Acts. 1567.*

But before the Acts of Parliament be particularly marked and cited, there be two Reasons prefixed: the one taken from some Acts of Parliament, 1567. *cap. 2. 3. 6. and cap. 68. Par. 1579.* The other from the Oath ministred to the King, at his Coronation, for the Act of Parliament 1567. Bearing that no Bishop nor other Prelate in this Realm, use any jurisdiction in time coming by the Bishop of *Romes* Authority, It is evident hereby that Episcopacy is altogether condemned, as all other Prelacy was: for before that time they had no jurisdiction but from the Pope: and therefore being discharged to execute that, they are discharged by the Act to execute any at all. That this is the true meaning and scope of that Act is manifest: because the Kirk in the Book of Common Order, and in the first Book of Discipline at that same time, acknowledgeth no other ordinary Office-bearers appointed by Christ in *Ecclesia constituta*. But the Pastor, Doctor, Elder and Deacon: and in her Assemblies at that same time, was still censuring these who were called or designed Bishops by reason of their Benefices, as is instructed by the Acts Printed before the Book of Discipline. And therefore in the Act of Council, 1560. made in the same year by these same persons, ratifying the first Book of



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Discipline, they provided only that Bishops, Abbots, Priors, &c. being Protestants, brook their Revenues during their life-times: they sustaining Ministers in the mean time. *Secondly*, In the year 1566. which preceeds that Parliament, the Kirk of this Kingdom approved the Confession of *Helvetia*; wherein the parity of Ministers is preferred as Gods Ordinance warranted by his Word, to Episcopacy, as an human consuetude. *Thirdly*, Because at that time the Queen had restored the Archbishop of *S. Andrews*; therefore the Kirk supplicated the Nobility of the Kingdom, against that restitution, which they condemn as the curing of the head of the beast once wounded within this Land. Wherein they expressly ground themselves upon the said Act of Parliament being before made in the year 1560. as a certain abrogation of the Arch-bishops Authority. *Fourthly*, In the second Book of Discipline, chap. 11. the Kirk useth the same Act of Parliament as an abrogation of the Papistical Kirk, and Papistical Jurisdiction, and thereby of Episcopal Jurisdiction and Power. *Fifthly*, The Kirk thereafter in the same Chapter declareth their uniformity of this meaning by urging the Act of Parliament, 1567. Printed amongst the black Acts and renewed in the Parliament holden 1579. (which immediately followeth the Act here cited) declaring that no other Ecclesiastical Jurisdiction shall be used within this Realm, but that which is and shall be in the Reformed Kirk and floweth therefrom: And they urge that none under the abused Titles in Papistry, of Prelats, &c. attempt to claim the benefit of any Act of Parliament, having no Commission of the Reformed Kirk within this Realm. Whereby our Kirk declared all Episcopal Jurisdiction to be Papistical. Which is the true meaning of the word, his *Hierarchy* in the short Confession. For their Jurisdiction could flow from none other but from the Pope: seeing it flows not from the Kirk, but was abolished and condemned by them: as is clear by the Registers of the Assembly. *Sixthly*, The Acts do abolish all Papistical Jurisdiction: and therefore all Episcopal Jurisdiction, because Episcopal Policy and Jurisdiction is Papistical: as is acknowledged by many, and specially by Dr. *Poklington*, Chaplain to the Bishop of *Canterbury*: who deduceth a continual lineal Succession from *Peter* through the whole Popes, unto the present Archbishop of *Canterbury*, and by the quoter himself, who alledgeth (albeit falsely) that this Kirk retained the Papistical Policy and Government. *Sixthly*, Where it is said in the Reason; that our Kirk did not innovate any thing in that Policy which they found in the Kirk before the Reformation: the same is controlled by the Book of Common-Prayer, first Book of Discipline, and Acts of the Assemblies.

*Anent the Sixth Act. 1567.*

And for the 6. Act 1567. and the 68. Act 1579. The same doth not only not mention Bishops, but declareth the true Kirk to consist only of Ministers of the Gospel then living, and these who thereafter should rise; agreeing with them, in Doctrine and Administration of the Sacraments, and the People, as the members thereof, which directly excludeth Bishops: against whom the Doctrine and Practice of this Kirk, continually soundcd: especially at that time. For in the Government of this Kirk by weekly meeting of Ministers, Elders, and Reformed Towns from the year 1560. to the year 1576. (except the *interim* of the pretended Convention at *Leeth*, 1572.) and from the year 1575. to the year 1581. The Assemblies for the most part were employed in abolishing the corruptions of Episcopacy,



Episcopacy, and in establishing the settled Policy; which was agreed upon, 1578. In the Second Book of Discipline. In the which Acts of Assembly and Book of Discipline is set down at large the Doctrine of the Kirk of Scotland, anent that Discipline, as grounded and well warranted in the Word of God, and against Episcopal Jurisdiction, as an unlawful human invention: So that Episcopacy being contrary to the Doctrine of the Kirk of Scotland, 1579. The Bishops disagreeing from the Ministers of the Evangel then living, in Doctrine and in the Use and Administration of the Sacraments, are declared by the said Acts to be no members of this Kirk, and the same Acts cited for them do sufficiently evince that Episcopacy was still condemned, notwithstanding all opposition made in the contrary.

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*Anent the Kings Oath.*

As for the Kings Oath, the same containeth no mention of Bishops, but by the contrary, the King is obliged thereby to maintain the true Religion of Jesus Christ, the Preaching of His Holy Word, and right Administration of the Sacraments, then received and Preached within this Realm. And seeing it is cleared by the preceeding Relation, that Bishops were never allowed, but oppugned by the Kirk of Scotland, that Oath doth not allow, but exclude Episcopacy which is also more perspicuous in the short Confession, 1580. and 1581. when the Kirk set down her constant Policy in Doctrine and Discipline grounded upon the word of God, wherein the *Hierarchy* is abjured as contrary thereto; and craved an Oath from His Majesty for maintenance thereof, which now also our gracious Sovereign in the judgment of the Kirk of Scotland is obliged to maintain, as being founded upon the Word of God, and exclusive of Episcopacy as repugnant thereto. The Acts of Parliament thereafter particularly cited are these mentioned in order.

The 24. Act 1567. ratifying all Civil Priviledges formery granted to the Spiritual Estate, and the 35. Act 1571. Ratifying all Acts made anent the freedom and liberty of the true Kirk: the same cannot be extended to the establishing of Episcopacy, because it is not mentioned in these Acts, but by the contrary was abolished by the Acts of the Assembly and Parliament, before mentioned, so that the Priviledges therein mentioned, are granted to such Kirk-men as then were received by the Kirk and Kingdom: and the freedom of the Kirk must be interpret by her own judgment: who thought ever Episcopal jurisdiction an heavy bondage: and yet those Priviledges can infer no Spiritual jurisdiction, but only Civil Priviledges; some immunities and exemptions granted for the Goods and Persons of Kirk-men as is clear, 1. Act James 1. Par. 1. and 26. Act Par. 2. James 1. and 4. Act Par. 3, James 2. with many others.

It is here to be observed, that the careful evolver of these Acts of Parliament, hath omitted to cite the 7. Act 1. Parliament of King James 6. bearing the examination and admission of Ministers, to be only in the power of the Kirk, then openly and publicly profest; and presentations to be made to *Superintendents*, or others having Commission from the Kirk, and appealeth from them, to the *Superintendents* and Ministers of the Province, and appealeth from these to the General Assembly: in all which gradations no mention of Bishops; but they in effect excluded by that contrary distinction of the Kirk then openly profest; because they were discharged by the foresaid second Act 1567. and *Superintendents* were then permitted like temporary *Evangelists* for the present necessity, declared



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declared in the first Book of Discipline *ad Ecclesiam constituendam*; but was abrogate from 1575. that the constant Policy of *Ecclesiastica constituta* began to be established.

*Anent the Acts, 1572. and 1573.*

As for the Acts of Parliament, 1573. and 1573. It is known by the Records of the time, that the Regent then laboured hard to bring in Arch-bishops and Bishops, who were not dead, but standing *de facto* provided to the power of these titulars of Benefices, to fortifie his own designs, and counter-balance the Authority of Ministers, pressing the purity of Reformation: and so cannot be honourably alledged for the Bishops at this time: and yet it was done not by Authority, but by warrand of some Ministers of his own party convened at *Leeth*: and was only done for an *interim*, and protested against by the next Assembly; and yet nevertheless by the said Acts of Parliament, the Arch-bishops, Bishops, *Superintendents*, or Commissioners of Dioceses or Provinces, are joyned together (which is wrongously omitted in the quotation) to shew that no Archbishop or Bishop, *qua tales* had any power, but only being *de facto* standing provided in the title, they were capable of a Commission from the Kirk, which sometimes they obtained, and in the Book of Assembly are named such as are called Bishops, and were under the Discipline of the Kirk: and in the same *Superintendents* Possessors and Titulars of Prelacies, as well as Arch-bishops and Bishops, are ordained to be called and convened for that effect before the General Assembly of the Kirk: And yet none can say, that the Offices of Abbots, Priors, &c. were then retained; howbeit the Benefices were not extinct; and few will grant that when the Archbishops and Bishops Office was in vigour, they thought themselves subject to the General Assembly: as they are by the said Act which is also fraudfully omitted in the quotation.

*Anent the Acts 1578. and 1579.*

As for the Acts of Parliament 1578. and 1579. It is Answered that the Kirk in this mean time, from the year 1575. was busied in abrogating Episcopacy, and establishing the constant Policy, as is clear by the printed Acts of Assembly before the Book of Discipline, and unprinted Acts of Parliament: The Kirk by her Commissioners daily reasoning and agreeing with the Kings Majesty and his Commissioners upon these heads of Policy, whereupon the Parliament, by the said 69. Act 1579. declareth there is none other jurisdiction Ecclesiastical to be acknowledged, but that which is in this Reformed Kirk, and floweth therefrom, which extinguisheth Episcopacy; because it doth not flow from this Reformed Kirk: neither can produce its Charter from her: for besides that it was abolished by the foresaid Acts 1567. It was condemned also in the Book of Policy, and in the General Assembly holden at *Dundee*, 1580. And their whole Estate Spiritual and Temporal, condemned in the Assembly at *Glasgow*, 1581. And so acknowledged by His Majesties Commissioner in the Assembly at *Edinburgh*, 1581. So that by this Act of Parliament 1579. The Bishops are so abolished, that unless they be established by lawful Assemblies of the Kirk, no Act of Parliament since can conduce for their establishment: seeing this Act with the other Acts for their abolition standeth yet unrepealed. And farther for the Act of Parl. 1578.

If



If the same contribute any thing, for Episcopacy, it must either be because Bishops are there mentioned, or for the power thereby conferred upon them: But both these are weak grounds. The first because there is no Bishop there named, but such as stood provided *de facto* on life: which is a designation of the benefice, which was not then extinct; and not of the Office which was extinct. The power conferred upon them by the said Act can give no strength to the Argument: because there is no jurisdiction granted thereby to them, but only power to visit Hospitals: which the Parliament might have granted to any person: but was most proper to these idle Titulars of Benefices, who might best attend the same, or employ means for their reparation. And this charge is likewise communicate by Act of Parliament to all Chancellors of this Kingdom for the time being: and as to the 71. Act 1579, we repeat the former Answers that *Superintendents* and *Commissioners* are there joyned with the Bishops; to shew that no power is granted unto them as Bishops, but *Commissioners* from the Kirk, and the name is still used, because the Benefice was not extinct, but they were known by that appellation.

Anent the Act, 1581.

The Acts of Parliament, 1581. were better alledged for Assemblies than Bishops, for it is an expresse ratification of the former Acts of abolition of Bishops, and abrogation of all Acts or Constitutions, Canons Civil or Municipal contrary to the Religion then presently profest within this Kingdom: which is not only clearly exprest in the words: but if they were doubtfulsome (as they are not) were manifest for these Reasons. *First*, The Assembly holden at *Edenburgh*, about the very same day, honoured with the presence of His Majesties Commissioner, is acknowledged by him to have condemned Episcopacy, whereunto Temporal Jurisdiction is annexed: and the Assembly declaring that function to be against the Word of God and Acts of the Kirk, thereupon did supplicate the Parliament, that they should make no Acts repugnant to the Word of God, especially concerning Bishops. *Secondly*, The King and Estates by that Act ratifieth all Acts made for maintenance of the Liberty of the true Kirk of God, presently professed within this Realm and purity thereof: which present profession can be no other, than that which was received by the Kirk and Assembly then presently sitting so near the Parliament at *Edenburgh*, which had approven the *Presbyterial* Government, condemned the Episcopal, and ratified the short Confession *simul & semel*, wherein the Estates had sworn to the *Presbyterial* and abjured Episcopal Government. *Thirdly*, This ratification of the former Acts of Parliament must be interpreted, according to the words thereof, to be in all points, which are not prejudicial to that purity of Religion and Liberty of the Kirk presently professed within this Realm. And at this time the whole Estates had subscribed the short Confession and so sworn to the Discipline, set down in the Book of Discipline, which by this Act is ratified in the first place, before any special enumeration of particular Acts. *Fourthly*, It hath been formerly shown that in the preceeding Acts of Parliament where Arch-bishops or Bishops are named, the same hath been by reason of their Benefice, and not their Office: which the Parliament could not give them being abrogate by Assembly: or having intended really to give them any place, would not have joyned *Superintendents* and other Commissioners with them: or otherwise they are named as having equal power with the *Superintendents*, and



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and other Commissioners, as in the convention at *Leith*; and conform to the time, especially 1572. and 1573. Wherein some Titulars or possessors of Prelacies, so called in the 46. Act of the Parliament, 1572. had a Commission from the Kirk like unto *Superintendents*, which was not fully abrogate untill 1580. But all this was without prejudice of the Kirk her Liberty, to recall her own Commission from these who were provided to Prelacies; and to condemn their Episcopal Offices, whereunto they ascribed the power; which they really had by their Commission: as the Kirk did upon good reasons abrogate the Office of *Superintendents* without impugning of the said Acts of Parliament (which were never rescinded till 1592.) whereby it is evident, that though this Act of Parliament, 1581. ratifie the former Acts wherein Arch-bishops, Bishops, *Superintendents*, or other Commissioners of the Kirk are named, yet seeing the said Acts are *alternative* conceived, the vigour and efficacy thereof subsists by this ratification in the last alternative; viz. Commissioners from the Kirk, Dioceses or Province: seeing the remanent were formerly condemned: especially by this Assembly of *Edenburgh* holden the time of the Parliament. *Fifthly*, This ratification 1581. of the former Acts made in favour of the true Religion repeating only the titles of these Acts and not themselves, cannot import any corroboration of the Offices under the titles mentioned in these former Acts: because this ratification, can only be extended to the matter, and not to the designation of the persons, exprest in the former Acts: which is only personal and circumstantial, as for instance, this Act 1581. could not confer any power or employment upon *Superintendents*: because that Office was then abrogate; and out of the Kirk. But the true meaning of the Act is; that ratifying the substance and matter in favours of the Kirk and Religion, it doth intrust the execution to these whom the Kirk shall lawfully Authorize with Commission for that end, which is more manifest in the 114. Act Parliament, 12. 1592. wherein this Act 1681. and all the Acts therein contained are ratified *quoad materiam*: and yet all Arch-bishops and Commissioners are discharged and all Ecclesiastical matters subjected to Presbyteries. *Sixthly*, It cannot probably agree with reason that by this ratification the Parliament, above their power would endeavour to establish in the Kirk any function so recently condemned of before by the Assemblies at *Dundee*, 1580, and at *Glasgow* and *Edenburgh*, 1581. immediately before this Parliament.

*Anent the Act, 1584. and the third Estate of Parliament.*

The Acts of Parliament, 1584. are of several natures. But they were protested against by the Ministers of *Edenburgh*, in the name of the Kirk of *Scotland*, at the Mercat Cross of *Edenburgh*, when they were Proclaimed and as they were made in that time which was called the hour of darkness in this Kirk, tyrannized by the Earl of *Arran*, so are they expressly repealed, 1692. cap. 114.

Anent the Act of Parliament, 1584. *For the three Estates*, and so furth. To Answer: *Primo*, That the Kirk from the year of God, 1580, 1581. that the Confession was subscribed, unto the year, 1597. all this time was by continual Acts condemning the Office of Bishops, their spiritual, their temporal, their whole estate, their confusion of Civil and Ecclesiastical jurisdiction, and craving in Council and Parliament the dissolution of Prelacies and the erection of Presbyteries.



2. *De facto* the former Bishops being continually processed and sentenced by the Kirk, these who presumed to usurp that Office condemned by the Kirk, namely Mr. *Patrick Adamson*. and Mr. *Robert Mountgomerie* in the year 1582. 1584. 1586. they were deprived and excommunicated by this Kirk before the Parliament, 1587.

3. *De facto* no Ecclesiastical Bishop voted in Parliament but *Mountgomerie* and *Adamson*, who were taken in by the Earl of *Arran*, unto the Parliament holden in *May*, at *Edenburgh*, 1584. Wherein the three Estates ratifieth the honour and dignity of the three Estates, so that as these two Bishops cannot be called the third Estate which doth ratifie, so the Estate of Bishops, cannot be called the third Estate, which is ratified: especially seeing by that same Parliament in the 132. Act. Bishops of the Diocels are but nominate the Kings Commissioners. And in the last Act of that same Parliament, printed of old in black letter, there is set down the Kings Commission granted to the said pretended Bishop *Adamson*.

4. From 1581. till the year 1597. the quoter doth not cite nor can cite any Act of Parliament expressly nominating any Ecclesiastical Bishop, but that in the year 1574. wherein he is named as one amongst other the Kings Commissioners, whereof some were meer secular persons.

5. It is clear by the first Act of the ninth Parliament, 1584. and the eleventh Act of the tenth Parliament, 1585. that Bishopricks, Prelacies, Abbacies, Priories, Nunneries, were then thought to be alike in the Kings hands, were granted to whatsoever persons being His subjects, albeit they brooked no Office in the Kirk: so that some of these Lordships and Baronies were erected before 1587. and excluded from the annexation.

6. As the Kirk had ever been craving the dissolution of Prelacies, and condemning the temporal as well as the spiritual estate of Bishops, by their Act of the Assembly, 1581. and by their Censure of the Presbytery of *strivling* for admitting *Mountgomerie* to the temporality of the Bishoprick of *Glasgow*, and Censure of *Mountgomerie* for aspiring thereto, contrary to the Word of God and Acts of the Kirk in the Assembly, 1587. *Juni*. So in the eleventh Parliament of King *James* the Sixth, twenty ninth of *July*, 1587. Act 29. The three Estates of Parliament annexeth to the Crown, all Lordships and Baronies pertaining to whatsoever, Arch-bishops, or Bishops, Abbots, Pryors, Nuns and Monks: reserving always to Arch-bishops, Bishops, Abbots, Pryors, Pryoreesses, Commendators, and others possessors of great Benefices of the estate of Prelats, and which before had or hath vote in Parliament, the principal Castles and Fortalices: whereby it is clear, that the *stylus curiæ* naming three Estates did no ways include Ministers being Bishops: seeing no Ecclesiastical Bishops, sate in that Parliament, nor could sit: because the only two Bishops of the time *Adamson* and *Mountgomerie*, where before deprived and excommunicate, and certainly they neither would nor could have sitten as an Estate in Parliament to abrogate their own Estate and Lordships, and Temporal Land, whereupon that Act acknowledgeth any right they had, did depend, 2. It is clear that Arch-bishops, or Bishops, Abbots, Pryors, &c. all alike voted in Parliament of old, not by reason of their Ecclesiastical Office, but by reason of their great Benefices and Lordships: which here is said to have had vote in Parliament: for that cannot be relative to the persons, as unto Pryoreesses: but unto the benefices. So that Ministers voted not as Ministers in name of the Kirk, but as possessors of these great Benefices or Baronies: and others who were not Ecclesiastical Persons being Titulars and Possessors of these great Benefices both *communi stylo* were



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called Bishops, Abbots, &c. by vertue of the Benefice without any Office, in the Rolls of Parliament, and in the Act of Assembly, 1587. The Bishoprick of *Cathnes* is said to vaie by decease of *Robert* Earl of *March*, the Kings Uncle: And the Assembly in their Letter to the King declareth, to be against the Word of God and Acts of the Kirk, to present and admit any Minister to that Bishoprick, as also some of these titulars, and possessors of the Benefices, albeit they had no Ecclesiastical Office, did sometimes ride and vote in Parliament. 3. It is clear that the three Estates by taking away from Arch-bishops and Bishops, their Lordships Baronies, and Temporal Lands, they took away their vote in Parliament, which doth not subsist, but in and by the Benefice. and therefore Ecclesiastical persons separate to the Gospel for want of their great Benefices, had no vote in Parliament, till the year, 1597.) albeit all the interveened Acts are made by the three Estates,) wherein the Kings Majesty restoreth Ministers to the Titles and Dignities of Prelacies, which sheweth that before they were disposed to others than Ministers; and provideth that Ministers presented to these Titles and Dignities, and to the benefice of Bishopricks, shall have vote in Parliament; which sheweth that the benefice and not the office giveth right to vote in Parliament, like as the very Act of Parliament, 1606. acknowledgeth, that by the Act of Annexation of the Temporality of Benefice to the Crown, 1587. the estate of Bishops were indirectly abolished; and therefore they behoved to rescind the Act of Annexation anent the Benefice, and restore them to these Titles and Dignities, before Ministers could vote in Parliament, but these Acts also are hereafter Answered. 7. But as for 130. Act 1584. no Bishop is therein mentioned: and yet it is adduced for Bishops, because the three Estates are therein named, under one of which the Prelate claimeth to be comprehended, but why more he than Abbots and Priors formerly abolished, as well as Episcopacy? Why more by that Act, than many formerly made when Bishops neither rode, sate, nor voted in Parliament; but were expugned out of this Kirk, and yet the Acts were all made by the three Estates, which albeit it needeth none other demonstration than that it is *stylus curiæ*, carefully observed in this Kingdom; Yet the truth is, that the Nobility, Barons, and Burrows were the three Estates of this Kingdom, many hundred years after Christianity, before any Bishops were in this Kingdom, as is observed by *Buchanan* and *Boetius*, and acknowledged by *Lesly* in his Chronicles; and after the Bishops were abrogate expressly the three Estates of Parliament did continue, and make all Acts of Parliament. Yea, after the year 1592. where Bishops were discharged, for if Bishops were an Estate, there behoved to be four Estates of Parliament; as there are so many named in the Commission granted by King *James*, and King *Charles*, viz. The Clergy, Nobility, Barons, and Burrows, and that as Ecclesiastical persons separate to the Gospel, since the Reformation, were never warranted to voice in Parliament, while 1597. So on the other part, the Barons are, and have been, as an Estate of Parliament in uncontraverted possession of voting in Parliament, conform to the 101. Act Parl. 7. King *James* the first, renewed again in the Parliament 1585. and 1587. Act 113. wherein precepts of the Chancelary are ordained to be directed to the Barons as unto an Estate of Parliament: even as they shall be direct unto other Estates, to wit the Nobility and Burrows; which in that Act is mentioned. So in this same Act of Parliament (which in that Narrative relateth the by-gone great decay of the Ecclesiastical Estate) there are exprest three compleat Estates in Parliament, the Nobility, Barons, and Burrows. And as in Law the  
three



three Estates are intire without Bishops or Ministers voters in Parliament. So also, it is most expedient, and necessary for the Liberty of the Kirk, honour of the King, and peace of this Kingdom: That no Ministers vote in Parliament, as is more clearly and largely proved in the reasons of the protestation, given into Parliament against the same, 1606. And in the Act of this Assembly against Civil places of Kirk-men.

As for the 131. Act 1584. no Bishop is therein mentioned to get any benefit thereby, and far less can the same reach to the prejudice of the late Assembly, which was indicted by His Majesty, and is an ordinary Judicatory allowed by the Laws of God and Man: like as it is answered in our protestation more largely.

And for the 132. and 133. Act of the said Parliament 1584. there is no Ecclesiastical priviledge or authority thereby granted to Bishops as Bishops; but only a power of cognition; wherein the Parliament hath joyned others the Kings Commissioners with them, only as the Kings Commissioners: and granted the same unto secular persons with them: but the King could never provide them to the Office and Jurisdiction of Bishops, which was abolished by many Acts of Parliament and Assemblies before written.

*Anent the Act, 1587.*

The 23. Act 1587. worketh directly against Bishops: being a general ratification of all Acts formerly made anent the Religion presently profest in this Kingdom: which must include the Acts abolishing Episcopacy; but especially, seeing in the same Parliament, 1587. temporal livings are taken from the Bishops, as well as the office was 1567. And the same Act undoubtedly was granted in the same meaning, wherein the Kirk did crave it; who that same year had often condemned Episcopal Government, as contrary to Gods Word, and the liberty of the Kirk, and approved Presbyterial Government, as flowing from the pure Fountain of Gods Word.

*Anent the Act, 1592.*

It falleth in here to be remarked that the Act 114. Anno 1592. is never alledged: and that because it not only revokes in particular the foresaid Acts 1584. but in general all other Acts contrary to that discipline then established, and in particular, the Assemblies, Presbyteries and Synods, with the discipline and jurisdiction of this Kirk, are ratified and established, as most Just and Godly, notwithstanding whatsoever Statutes, Acts, Canons, Civil or Municipal Laws made in the contrary: whereunto His Majesties Prerogative is declared to be no ways prejudicial. Further the said Act abrogates all Acts granting Commission to Bishops, and other Judges constitute in Ecclesiastical Causes; and ordaineth presentation to Benefices to be direct to Presbyteries, with power to give collation thereupon: And so containeth a Ratification of the heads of Policy set down in the Second Book of Discipline. Which Act is renewed Act 60. Anno 1593. and the power of Presbyteries acknowledged 1594. Act 129. and was never rescinded expressly in *totum*; but only in part by the Ratification of the Act of Glasgow. Which now cannot be respected; but falleth *ex consequenti*: seeing that Assembly of Glasgow is now upon just and infallible reasons declared to have been null *ab initio*: and so this Act of Parliament, wisely omitted by the Collector to the Commissioners grace might serve alone, without our preceeding special answers, for clearing the whole preceeding Acts.



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Anent the Acts, 1597.

The 23. Act 1597. granteth the priviledge of a voice in Parliament to the whole Kirk; and under that name to Abbots, or other persons provided to Prelacies, as well as Bishops: even as in time of Papistry. So as Sir Robert Spottswood, Abbot of New-Abbey road thereafter in Parliament: which was both unwarrantable and unusual. Which doth nothing contribute for the Bishops advantage, because albeit the Benefice was not extinct, yet neither the King nor the Parliament might give them the Office so oft condemned by this Kirk: which is also acknowledged in the same Act; because after the granting to them of the said voice, the Parliament remitteth them to the King and the Assembly, concerning their Office in their Spiritual Policy and Government in the Kirk. 2. The said Act beareth expressly to be but prejudice of the Jurisdiction and Discipline of the Kirk, established by Acts of Parliament made in any time preceeding, and permitted by the said Acts to all Provincial and General Assemblies, and other whatsoever Presbyteries and Sessions of the Kirk: and so the same cannot derogate from the former Acts ratifying the present discipline of the Kirk, established by Acts of Parliament made in any time preceeding, and permitted by the said Acts to all Provincial and General Assemblies, and other whatsoever Presbyteries and Sessions of the Kirk: and so the same cannot derogate from the former Acts ratifying the present Discipline of the Kirk, especially the said Act 1592. nor yet from the Acts of the Assembly abjuring Episcopacy. 3. The Priviledge is granted upon condition they be actual Pastors and Ministers. And so we refer to the World and themselves, if with good consciences they may claim the benefice of that Act. 4. That Priviledge was obtruded, and pretended to be introduced in favours of the Kirk: who may and hath renounced the same, as being incompatible with their spiritual function: as the Act of the Assembly at more length beareth, upon undeniable reasons. 5. When voice in Parliament was first plausible obtruded upon the Kirk, it was neither proponed nor tolerated in other terms than that only such should have vote in Parliament; as had Commission from the Kirk. So that not as Bishops, but as Ministers, Commissioners from the Kirk, they had vote in Parliament. Like as the Assembly at Montross, 1600. being so hardly prest by Authority, that they could not get it altogether refused (albeit in their conference at Holy-rood-house, 1599. they proponed unanswerable Reasons against this, and all other civil places of Pastors) set down cautions, binding the Ministers voters in Parliament, to be insert in the Act of Parliament subsequent: which was omitted notwithstanding of the Bishops Oath and Duty in the contrary; for the breach whereof they are now most justly Censured. 6. The ratificatory Acts of the Priviledges of the Kirk and Discipline thereof then profest, are not thereby abrogate, but notwithstanding thereof must stand in force, because it is ever understood, and frequently provided in Parliament, that all Acts thereof are made *salvo jure cujuslibet*; far more *salvo jure Ecclesiæ & sponsæ Christi*, when she is robbed of her Right without audience: especially seeing her right, is usually ratified in the First Act of every Parliament. 7. Albeit it were granted, that by this Act of Parliament, or any whatsoever the Prelates had voice in Parliament, yet that doth not exeime them from Ecclesiastick Censure, nor forefault the Kirks right, whereby she may condemn them for their transgressions: as now this Assembly most justly hath



hath done, for by their own Caveats, whosoever is Ecclesiastically Censured by Presbyteries and provincial Assemblies, *ipso facto* loseth his benefice and vote in Parliament. 8. Further the Bishops in their declinator profess they never had Commission from this Kirk to voice for her in Parliament, according to the cautions set down in the Assembly at *Montross*: for the which cautions that Assembly was never challenged, as trenching upon the third Estate.

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*Anent the Act, 1606.*

The Act of Parliament 1606. is coincident with the nature of the preceeding Acts, for albeit the King and Parliament might have reponed them to their Rents, Teends, Lands, &c. which were annexed to the Crown; yea, might have dispoed to them any part of the Patrimony of the Crown, if Lordly Titles and Civil places in the persons of Pastors separate to the Gospel, had been lawful, yet could not give them the spiritual office, and jurisdiction spiritual, which was abolished and abjured by many preceeding Acts of Assembly and Parliament forecited. *Et quod illud tantum agebatur*, is evident by the whole strain of the Act, reponing them, for re-meed of their contempt and poverty to their dignities, priviledges, livings, Rents, Lands, and Teinds: and this always limited, as was competent to them, since the Reformation of Religion in the Reformed Kirk: From which time their office and jurisdiction spiritual was always extinct. Which is evidently acknowledged in the Act of Parliament, 1592. and expresly in the Act of Parliament, 1597. granting voice in Parliament to Ministers. Which albeit it was the first step to Episcopacy, yet the Parliament thereby hath remitted the office of Bishops in their spiritual Policy and Government (as not pertaining to their civil place and jurisdiction) to the King and the General Assembly of Ministers, as properly belonging to them, but prejudice always of the jurisdiction and discipline of the Kirk, permitted by many Acts of Parliament, (whereof that 1592. forecited is one) to general provincial Assemblies, Presbyteries and Sessions of the Kirk, which were never prejudged neither by the Act 1606. nor by the Act 1609. albeit corruption was then fast advancing; till the year 1612. at which time first and never before, the King and Estates had taken the advice of the pretended Assembly at *Glasgow*, anent their office and spiritual jurisdiction formerly remitted to them; as is clear in the Act of Parliament 1612. relative to that remit in the Parliament, 1597. which for that cause is also omitted by the quoter.

*Anent the Act, 1609.*

Like as also the Act of Parliament, 1609. restoreth them only to temporal jurisdiction, and priviledges, lawfully pertaining to them and flowing from His Majesty, as any other ordinary jurisdiction doth; with reservation of the Kings supremacy and prerogative therein; which can no ways comprehend their ecclesiastical office, because the same is not a temporal jurisdiction, neither did lawfully pertain to them, but by the Law of God, and Acts of this Kirk after Reformation; and by the Act 1592. was abrogate and taken from them; and the ecclesiastical power established in ptesbyteries. So that if it be an Ecclesiastical Office, it cannot flow from the King, who cannot make a Minister, Doctor, Elder or Deacon in the Kirk; albeit he may present a Minister made by the King of Kings to the Kirk;



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Kirk; neither can the Parliament institute originally any Ecclesiastical Office in the Kirk, as is before said. Further the intended scope of that Act is only the restitution of Commissariats and temporal jurisdiction flowing from His Majesty; as is clear by the Act it self, bearing that they shall brook all priviledges and jurisdictions granted to them by His Majesty, and redintegrates them to their former authority and jurisdiction, lawfully pertaining to them, always flowing from His Majesty (from whom only temporal jurisdiction doth flow) which is only the jurisdiction of Commissioners in temporal causes, and no ways any spiritual jurisdiction competent *ratione officii*: which by Gods Word and the Laws of the Kingdom was abjured in them, and established in Assemblies, Presbyteries, &c. as is many times before repeated. But to convince them further it is notor that both 1606, and 1609. they rood in Parliament, and by their own voices and the iniquity of the time, made the said Acts without inserting the cautions made at *Montreß*, without any Commission from the Kirk, contrary to the said Cautions and their own Oath given for observance thereof, against which the Kirk of *Scotland* did protest solemnly, clearing unanswerably, not only the unlawfulness of their Ecclesiastick Episcopal Function; but also of the Civil places in persons of Pastors, from Gods Word, our Confession of Faith, 1580. Acts of this Kirk and Kingdom; but this Protestation being rejected by them was printed to the view of the World.

*Anent the Act, 1617.*

And as for the Act of the Parliament, 1617. it cannot set down Consecration to the Office, without a preceeding Act of the Kirk; which is not alledged: but by the contrary, the Kirk had before Condemned that Office, and did particularly protest against that Act of Parliament. Moreover this Act is builded upon the supposed ground of *Glasgow* Assembly, 1610. which for infallible Reasons is now annulled: and so not only this Act 1617. but all after Acts, ratifying the same, fall *ex consequenti*; both by the light of Reason, Law and Practice of this Kingdom. For when the principal Act or Right ratified doth fall, the subsequent ratification falleth *eo ipso*: especially in this case, when Civil Laws in Ecclesiastical Matters, cannot be made originally, nor subsist after the abolition of the Ecclesiastical Constitutions, which they ordain under Civil Sanction to be obeyed: and yet being once annulled they cannot be obeyed. And further even that corrupt Assembly of *Glasgow*, 1610. which is now declared to have been null *ab initio*, did never restore the Office of a Diocesian Bishop before condemned in this Kirk; but did too far enlarge and extend the power of these who were provided to the benefice of *Bishops*; and yet always under cautions and limitations sworn unto: which they never observed; and upon condition of their subjection for Censure to yearly General Assemblies: which they have not kept, but impeded, and so they ought not to claim the benefice of these Acts of Parliament concluded by their own voices, and protested against by the Kirk of *Scotland* and violated by themselves.

*Conclusion.*



Conclusion.

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And last, for Answer to all Acts of Parliament whatsoever, let the Christian Reader consider, if, as the Assembly lately convened by His Majesties indiction in the Name of Jesus Christ, should judge (and hath proceeded) by the Word of God alone; and not by Acts of Parliament; so we are obliged by our Oath made to God, to return to the Doctrine and Discipline of this Kirk, 1580. and renounce all subsequent Acts contrary thereunto, and prejudicial to the purity of Reformation and the Kirk, in whose favours any pretended priviledges are granted, and that out of experience of real prejudice, and the pungent sins of our Oath and danger of perjury; under which this Kingdom lyeth: for the which we ardently deprecate Gods wrath, and beg mercy to every one of us who are guilty; and must still continue our earnest and humble supplications to His Majesty for redress; as we shall do our petitions to God, for preserving the Sacred Person of our dread Sovereign, and perpetuating His Reign and His Royal Posterity over this Land so long as the World endureth.

*Revised according to the Ordinance of the General Assembly, by me  
Mr. Archibald Johnstoun, Clerk thereto.*

*Edenb. Feb. 14. 1639.*

To shew the vanity of their Exceptions and Citations of Acts of Parliament, here follows the Copy of the Sederunt Rolls, shewing that the Bishops sat in Parliament as representing the Third Estate since the Reformation, Note the Abbots were secular men who had the Abbey-Lands, but yet retained their Names and Places in Parliament.

Parliament 23. October; 1579.

*Sederunt pro Clero* Archbishop of S. Andrews, Glasgow, Dunkell, Murray, Orknay, Brechin, Abbots 15.

Parliament penult. October, 1581,

*Sederunt pro Clero* Archbishop of S. Andrews: Brechin, Orknay, Abbots 12.

Parliament 2. October, 1583.

*Sederunt pro Clero* Archbishop of S. Andrews, Dunkell, Aberdeen, Brechin, Orknay, Dumblane, Argyle, Iles, Abbots, 13.

Parliament 22. May, 1584.

*Sederunt pro Clero*, Archbishop of S. Andrews: Dunkell, Brechin, Orknay, Abbots, 4.

Parliament 26. August, 1584.

*Sederunt pro Clero* Archbishop of S. Andrews: Dunkell, Brechin, Aberdeen, Abbots 9.

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Parliament 1. December, 1585.

*Sederunt pro Clero* Archbishop of S. Andrews: Dunkell, Brechin, Orknay, Abbots 9.

Parliament 13. July, 1587,

*Sederunt pro Clero* Archbishop of S. Andrews: Aberdeen, Dunkell, Orknay, Brechin, Abbots 13.

Parliament 3. April, 1592.

*Sederunt pro Clero* Orknay, Dunkell, Abbots 6.

Parliament 3. April, 1593.

*Sederunt pro Clero* Aberdeen, Brechin, Abbots 6.

Parliament 22. April, 1594.

*Sederunt pro Clero* Dunkell, Aberdeen, Brechin, Abbots 5.

Parliament 1. November, 1597.

*Sederunt pro Clero* — Abbots 5.

Parliament 1. November, 1600.

*Sederunt pro Clero* Dunkell, Brechin, Abbots 6.

Parliament 12. April, 1604.

*Sederunt pro Clero* Glasgow, Dunkell, Ross, Brechin, Caithnes, Abbots 3.

Parliament 3. July, 1606.

*Sederunt pro Clero* Archbishop of S. Andrews: Glasgow, Dunkell, Ross, Galloway, Orknay, Abbots 1. Priors 1.

Parliament 3. August, 1607.

*Sederunt pro Clero* Archbishop of S. Andrews: Glasgow, Murray, Brechin, Caithnes, Orknay, Abbots 3.

After this the Lord Commissioner acquainted His Majesty with the state of Affairs, the Commotions in *Edenburgh*, the Guards put upon the Castle there, the horrible mis-reports of the transactions of the Assembly, especially that nothing was made good which was promised in His Majesties last Gracious Declaration the Twenty Second of *Septemb.* which moved him to publish this following Proclamation.

CHARLES



## CHARLES R.

**C**HARLES By the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith. To Our Lovits Maissars, Heraulds, Pursevents, Our Sheriffs in that part conjunctly and severally specially constitute, greeting. Whereas for the removing of the disorders which had happened of late within this Our Kingdom, and for setting of a perfect Peace in the Church and Common-wealth thereof, We were pleased to cause indict a free general Assembly, to be holden at Glasgow the One and Twentieth of November last: And for Our Subjects their better content and assurance that they should be freed of all such things as by their Petitions and Supplications given into the Lords of Our Privy Council, they seemed to be grieved at, We in some sort preveened the Assembly, by discharging by Our Proclamation the Service-Book, Book of Canons, and high Commission, freed and liberate Our Subjects from the practising of the five Articles, eximed all Ministers at their entry from giving any other Oath then that which is contained in the Act of Parliament, made all Persons both Ecclesiastical and Civil lyable to the Censure of Parliament, general Assembly, or any other Judicatory competent, according to the nature of their offence: had declared all by-gone disorders absolutely forgotten and forgiven: and last, for securing to all Posterity the truth and liberty of Religion, did command the Confession of Faith, and Band for maintenance thereof, and of Authority in defence of the same, Subscribed by Our dear Father, and His Household in Anno 1580. to be renewed and subscribed again by Our Subjects here: And albeit that this Our Gracious and Pious Command, instead of obedience and submission, rancountred open and publick opposition and protestation against the same: And that they continued their daily and hourly guarding and watching Our Castle of Edenburgh, suffering nothing to be imported therein, but at their discretion, stopping and impeding any importation of Ammunition, or other necessities whatsoever to any of Our Houses within this Kingdom: Denying to Us their Sovereign Lord that liberty and freedome, which the meanest of them assume to themselves (an act without precedent or example in the Christian World.) Like as they spared not boldly and openly to continue their Conventions and Council-Tables of Nobility, Gentry, Ministers and Burgesses within the City of Edenburgh, where, not regarding the Laws of the Kingdom, without warrant of Authority, they convened, assembled, and treated upon matters as well Ecclesiastical as Civil, sent their injunctions and directions throughout the Countrey to their subordinate Tables, and other under-Ministers appointed by them for that effect. And under colour and pretext of Religion, exercising an unwarranted liberty, required obedience to their unlawful and illegal directions, to the seen prejudice of Authority, and lawful Monarchical Government. And notwithstanding it was evidently manifest by the illegal and informal course taken in the Election of the Commissioners for the Assembly, whereof some of them were under the Censure of this Church, some under the Censure of the Church of Ireland, some long since banished for open and avowed teaching against Monarchy, others of them suspended, and some admitted to the Ministry contrary to the form prescribed by the Laws of this Kingdom; others of them Rebels, and at the Horn, some of them confined, and all of them by Oath and Subscription bound to the overthrow of Episcopal Government. And by this and other their underhand-working, and private informations and persuasions, have given just ground of suspicion of their partiality,



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and so made themselves unfit Judges of what concerneth Episcopacy. And alſo albeit it was ſufficiently cleared by the peremptory and illegal procedures of the Presbyteries, who at their own hand by order of Law, and without due form of Proceſs, thruſt out Moderators lawfully eſtabliſhed, and placed others whom they found moſt inclinable to their turbulent humours, aſſociate to themſelves, for chuſing of the Commiſſioners to the Aſſembly, a Laick-Elder out of each Pariſh, who being in moſt places equal, if not more in number than the Miniſtry, made choice both of the Miniſters, who ſhould be Commiſſioners from the Presbyteries, as alſo of a Laick-Elder, (which in time will prove to be of a dangerous conſequence, and import a heavy burthen to the liberty of Church and Church-men) being more directed therein by the warrants of the foreſaid pretended Tables, than by their own judgments; as appeared by the ſeveral Inſtructions ſent from them (far contrary to the Laws of this Countrey, and lowable cuſtom of this Church) ſome whereof were produced and exhibit by Our Commiſſioner, and publickly read: One whereof, direct to the Noblemen and Barons of each Presbytery, doth among other odd paſſages, require diligence, (leſt ſay they) by our own ſillineſs and treachery we loſe ſo fair an occaſion of our Liberty both Chriſtian and Civil; a ſtrange phraſe to proceed from dutiful or loyal-hearted Subjects: The other to the Moderators of the ſeveral Presbyteries, under the Title of Private Inſtructions, Auguſt 27. Firſt, containeth that theſe Private Inſtructions ſhall be diſcovered to none, but to Brethren well-affected to the Cauſe: Secondly, Order muſt be taken, that none be choſen Ruling-Elders but Covenanters, and thoſe well affected to the Buſineſs: Thirdly, That where the Miniſtry is not well-affected, the Ruling-Elder be choſen by the Commiſſioners of the Shire, and ſpoken to particularly for that effect: Fourthly, That they be careful that no Chappelmen, Chaptermen, or Miniſter Juſtice of Peace, be choſen, although Covenanters, except they have publickly renounced, or declared the unlawfulness of their places: Fifthly, That the Ruling-Elders come from every Church, in equal number with the Miniſters; and if the Miniſter oppoſe, to put themſelves in poſſeſſion, notwithstanding of any oppoſition: Sixthly, That the Commiſſioner of the Shire cauſe convene before him the Ruling-Elder of every Kirk choſen before the day of the Election, and enjoyn them upon their Oath, that they give vote to none but thoſe who are named already at the meeting at Edinburgh: Seventhly, That where there is a Nobleman in the bounds of the Presbytery, he be choſen, and where there is none, there be choſen a Baron, or one of the beſt quality, and he onely a Covenanter: Eighthly, That the ableſt man in every Presbytery be provided to diſpute de poteſtate ſupremi magiſtratus in Eccleſiaſticis, præſertim in convocandis Conciliis, &c. Whereby it is moſt evident what prelimitations, indirec[t] and partial courſes, and dangerous propoſitions have been uſed in the preparations and elections to this pretended Aſſembly. By which unlawful doings, although we had ſufficient reaſon to have diſcharged the meeting of the ſaid Aſſembly, yet We were pleaſed patiently to attend the ſame, ſtill hoping that when they were met together, by the preſence of Our Commiſſioner, and aſſiſtance of ſome well-affected ſubjects, who were to be there, and by their own ſeeing the real performance of all that was promiſed by Our Proclamation, they ſhould have been induced to return to the due obedience of ſubjects. But when We perceived that their turbulent diſpoſitions did increaſe, as was manifeſt by their repairing to the ſaid Aſſembly with great bands and troupes of men, all boddin in fear of War, with guns and piſtolets, contrary to the Laws of this Kingdom, and in high contempt of Our Proclamation at Edinburgh, the ſixteenth day of November laſt: And alſo by the peremptory reſuſing of Our Aſſeſſors, Authorized by Us (although fewer in number than

Our

Our dearest Father was in use to have) the power of voting in this Assembly, as formerly they had done in all others, openly averring that We, nor Our Commissioner had no further power there than the meanest Commissioner of their number: And by their partial and unjust refusing, and not suffering to be read the Reasons and Arguments given in by the Bishops and their adherents, to Our Commissioner, why they ought not to proceed to the election of a Moderator, neither yet to the trying and admitting of the Commissioners before they were heard, though in Our Name they were earnestly required thereto by Our Commissioner. And notwithstanding that Our Commissioner by Warrant from Us, gave in under his hand, a sufficient Declaration of all that was contained in Our late Proclamation, bearing likewise Our Pleasure of the registration of the same in the Books of Assembly, for all assurance of the truth and purity of Religion to all Our good Subjects, as doth clearly appear by the Declaration it self; whereof the tenor follows. The Kings Majesty being informed that many of His good Subjects have apprehended that by the introducing of the Service-Book, and Book of Canons, the inbringing of Superstition hath been intended, hath been graciously pleased to discharge, like as by these he doth discharge the Service-Book, and Book of Canons, and the practice of them and either of them, and annuls and rescinds all Acts of Council, Proclamations, and other Acts and Deeds whatsoever, that have been made or published for establishing them, or either of them, and declares the same to be null, and to have no force nor effect in time coming. The Kings Majesty, as he conceived, for the ease and benefit of the Subject, established the high Commission, that thereby Justice might be administrate and the faults and errors of such persons as are made lyable thereto, taken order with, and punished with the more conveniency, and less trouble to the people. But finding His gracious intention therein to be mistaken, hath been pleased to discharge, like as by these He doth discharge the same, and all acts and deeds whatsoever made for establishing thereof. And the Kings Majesty being informed, that the urging of the five Articles of Perth Assembly hath bred distraction in the Church and State, hath been graciously pleased to take the same into His Royal Consideration, and, for the quiet and peace of this Countrey, hath not only dispensed with the practice of the said Articles, but also discharged all and whatsoever persons from urging the practice thereof, upon either Laick or Ecclesiastical person whatsoever, and hath freed all His Subjects from all censure and pains whether Ecclesiastical or Secular, for not urging, practising, or obeying them, or any of them, notwithstanding of any thing contained in the Acts of Parliament, or General Assembly in the contrary. And His Majesty is further contented, that the Assembly take the same so far to their consideration, as to represent it to the next Parliament, there to be ratified as the Estates shall find fitting. And because it hath been pretended, that Oaths have been administrate different from that which is set down in the Acts of Parliament, His Majesty is pleased to declare by me, that no other Oath shall be required of any Minister at his entry, nor that which is set down in the Act of Parliament. And that it may appear how careful His Majesty is that no corruption nor innovation shall creep into this Church, neither yet any scandal, vice, or fault of any person whatsoever, censurable or punishable by the Assembly, go along unpunished, His Majesty is content to declare by me, and assure all His good people, that General Assemblies shall be kept so oft, and als oft as the affairs of this Church shall require. And that none of His good Subjects may have cause of grievances against the proceedings of the Prelats, His Majesty is content that all and every one of the present Bishops, and their Successors, shall be answerable, and accordingly

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from time to time censurable, according to their merits by the General Assembly. And to give all His Majesties good people full assurance, that He never intended to admit any alteration or change in the true Religion profest within this Kingdom, and that they may be truly and fully satisfied of the reality of His intentions and integrity of the same, His Majesty hath been pleased to require and command all His good Subjects to subscribe the Confession of Faith, and band for maintenance thereof, and of His Majesties Person and Authority, formerly signed by His dear Father, in Anno 1580. and now also requireth all these of this present Assembly to subscribe the same. And it is His Majesties will, that this be insert and registrate in the Books of Assembly, as a testimony to Posterity, not only of the sincerity of His intentions to the said true Religion, but also of His Resolutions to maintain and defend the same, and His Subjects in the profession thereof.

Which Declaration was by Our special command and direction given in, and subscribed by Our Commissioner, upon protestation made by him, that his assenting to the registration hereof, should be no approbation of the lawfulness of this Assembly, nor of any of the acts or deeds done, or to be done therein. And finding them in like sort no ways to be satisfied therewith, and that nothing else was able to give them contentment, except at their own pleasure they were permitted to overthrow all Episcopal Government in the Church, and thereby to abrogate Our publick Laws standing in vigour by the space of many years by-gone, and to alter the fundamental Government of this Kingdom, in taking away one of the three Estates, contrary to express Acts of Parliament: And lest the continuance of their meetings might have produced other the like dangerous Acts so derogatory to Royal Authority, We were forced for preveening thereof, and for the reasons and causes above-mentioned, and divers others importing true Monarchical Government, to dissolve and break up the said pretended Assembly, and to discharge them of all farther meeting, treating and concluding any thing therein: And yet in that calm and peaceable way, as Our Commissioner before his removing desired their pretended Moderator for that time to have said Prayer, and so concluded that days session, that so they might have had time to think upon the just reasons of his refusing to assist, or be any longer present at the said pretended Assembly, and of the causes moving Us to the dissolving thereof: And notwithstanding his earnest urging the same, and being willing to return the next morning to hear their Answer; in place of all other satisfaction to his so reasonable and moderate desires, it was refused, and met with a Protestation of an high and extraordinary strain, thereby presuming to cite and call Our Council in question, for their dutiful assistance and obedience to Us and Our Commissioner. And finding their disobedience thus to increase, We were constrained to discharge them of new again the next day thereafter, by publick Proclamation, under the pain of Treason. And albeit that their contumacy is such as hath not been heard of in former times, yet they shall never move Us to alter the least point or article of that We have already declared by Proclamation or Declaration under Our Commissioners hand: All which was publikly read, and by Our Commissioner required to be insert and registrate in the Books of Assembly, therein to remain as a testimony to posterity, not onely of the sincerity of Our intentions to the true Religion, but also of Our resolution, to maintain and defend the same, and Our Subjects in the profession thereof; And perceiving likewise that in contempt of Our Proclamation at Glasgow, the twenty ninth of November, they go still on to convene, meet, and to make illegal and unwarrantable Acts, We have conceived it fitting to forewarn all Our good Subjects of the danger that they may incur by being insnared by these their unlawful procedures. And

to

to this purpose do not only liberate and free them from all obedience to any of the pretended Acts, made, or to be made at the said pretended Assembly, or Committees direct therefrom, but do also free them from all pain and Censure which the said pretended Assembly shall inflict upon them, or any of them. And therefore do discharge and prohibit all Our Subjects, that they nor none of them acknowledge nor give obedience to any pretended Acts nor Constitutions made, or to be made, at the said pretended meetings, under all highest pains. And We command, charge, and inhibite all Presbyteries, Sessions of Kirks, Ministers within this Realm, that none of them presume nor take upon hand privately nor publickly in their sessions and meetings, nor in their Conferences, Sermons, nor in any other manner of way, to authorize, approve, justifie, or allow the said unlawful meeting or assembly at Glasgow: Neither yet to make any Act thereupon, nor to do any other thing private or publick, which may seem to countenance the said unlawful Assembly, under the pain to be repute, holden and esteemed and pursued as guilty of their unlawful meeting, and to be punished therefore with all rigour: And siclike We command all and sundry Noblemen, Barons, Gentlemen, Magistrates, and all other Our lieges who shall happen to be present and hear any Ministers either in publick or private conferences and speeches, or in their Sermons, to approve and allow the said unlawful Assembly, rail and utter any speeches against Our Royal Commandments, or proceedings of Us, or Our Council, for punishing or suppressing such enormities, that they make relation and report thereof to Our Council, and furnish probation, to the effect the same may be accordingly punished, as they will answer to Us thereupon: Certifying them who shall hear and conceal the said speeches, that they shall be esteemed as allowers of the same, and shall accordingly be taken order with, and punished therefore without favour. And to this effect We likewise straightly charge and command all Judges whatsoever within this Realm, Clerks and Writers, not to grant or pass any Bill, Summons, or Letters, or any other execution whatsoever, upon any Act or Deed proceeding from the said pretended Assembly, and all keepers of the Signet from signetting thereof, and that under all highest pains. And because We gave order and warrant to Our Commissioner to make open Declaration, not only of Our sense, but even of the true meaning of the Confession of Faith, in Anno 1580, By which it may clearly appear; that as We never intended thereby to exclude Episcopacy, so ly no right construction can it be otherways interpreted, as is more nor evident by the reasons contained in the said Declaration, and many more, which for brevity (the thing in it self being so clear) are omitted. Herefore We do not only prohibit and discharge all Our Subjects from subscribing any Band, or giving any Writ, Subscription, or Oath to, or upon any Act, or Deed that proceeds from the foresaid pretended Assembly, but also do require them not to subscribe, nor swear the said Confession in no other sense than that which is contained in the said Declaration, and manifestly emitted by Our Commissioner, under all highest pains. And that none of Our good Subjects, who in their duty and bound obedience to Us shall refuse to acknowledge the said pretended Assembly, or any of the pretended Acts, Constitutions, Warrants, or Directions proceeding therefrom, may have just ground of fear of danger or harm by doing thereof, We do by these promise, and upon the Word of a King oblige Our selves by all the Royal Authority and Power wherewith God hath endowed Us, to protect and defend them, and every one of them in their persons, fortunes, and goods, against all and whatsoever person or persons who shall dare or presume to call in question, trouble, or any ways molest them, or any of them therefore. And Our Will is, and We charge you straitly and command, that incontinent these Our Letters seen, you pass, and make

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make publication hereof by open Proclamation at the Market Cross of Edinburgh, and other places needful, wherethrough none pretend ignorance of the same.

Given from Our Court at *Whitehall* the Eighth day of *December*, and of Our Reign the Fourteenth year, 1638.

Per Regem.

This Proclamation was presently encountred with a blustering undutiful Protestation, which follows with Marginal Remarques upon the Falsities and Impertinencies, Jesuitism and Rebellion with which it is larded.

The Protestation of the General Assembly of the Kirk of Scotland, made at the Market-Cross of Edinburgh, the Eighteenth of December, 1638.

* False : for there was not, after Our Commissioners leaving of the Assembly, any one Commissioner from any University of that Kingdom, which did not desert it.

* False.

† More false, than the other if it were possible.

WE Commissioners from Presbyteries, Burghs, and * Universities, now convened, and yet sitting in a full and free Assembly of the Kirk of *Scotland*, indicted by His Majesty, and gathered together in the Name of the Lord *Jesus Christ* the only Head and Monarch of His own Kirk ; And we Noblemen, Barons, Gentlemen, Ministers, Burgeses and Commons, Subscribers of the Confession of Faith, make it known ; that where we His Majesties Loyal Subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents, introduced into the Doctrine, Worship, and Discipline of this Kirk, which had been before in great Purity, to our unspeakable comfort, established among us, were moved to present many earnest desires and humble supplications to His Sacred Majesty, for granting a free General Assembly, as the only legal and ready mean to try these innovations, to purge out the corruptions, and settle the disorder of the Kirk, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdom : It pleased His gracious Majesty out of His Royal Bounty, to direct unto this Kingdom, the Noble and Potent Lord *James Marquess of Hamiltoun*, with Commission to hear and redress the just grievances of the good Subjects : who, by many Petitions and frequent Conferences being fully informed of the absolute necessity of a free General Assembly, as the only judicatory which had power to remedy those evils, was pleased to undergo the pains of a voyage to *England*, for presenting the pitiful condition of our Kirk to His Sacred Majesty : And the said Commissioner his Grace returned again in *August* last, with power to indict an Assembly, but with the condition of such * prelimitations, as did both destroy the freedome of an Assembly, and could no ways cure the present diseases of this Kirk : Which was made so clearly apparent to his Grace, * that for satisfying the reasonable desires of the subjects, groaning under the weariness and prejudices of longsome attendance, he was again pleased to undertake another journey to His Majesty, and promised to endeavour to obtain a free General Assembly, without any prelimitation, either of the constitution and members, or matters to be treated, or manner and order of proceeding : So that if any question should arise concerning these particulars (whereof the power of Ruling-Elders as a part of the constitution, and the examination of Episcopacy as a present question to be moved, was exprest, albeit now the Commissioner hath pretended the famine for the greatest causes of his rising and away going from the Assembly) the

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the famine should be cognosced, judged, and determined by the Assembly, as the onely Judge competent: and accordingly by warrant from our Sacred Sovereign returned to this Kingdom, and in *September* last, caused indict a free general Assembly to be holden at *Glasgow*, the twenty first of *November* last, to the unspeakable joy of all good Subjects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations, and the final remedy of their pressing grievances. But these hopes were soon blasted; for albeit the Assembly did meet and begin at the appointed day, and for the space of seven days sitting was countenanced with his Graces personal presence, yet his Grace did never allow any freedome to the Assembly, competent to it by the Word of God, Acts and Practice of this Kirk, and His Majesties indiction, but did labour to restrain the famine during the time of his abode there, by protesting against all the Acts made therein, and against the constitution thereof by such members, as by all Law, Reason, and Custom of this Kirk, were ever admitted as members constituents of our free Assemblies, and by denying his approbation to the things proponed and concluded, though most clear, customable, and uncontroverted.

And further his Grace after the presenting and reading of his own Commission from our Sacred Sovereign, and after his seeing all our Commissions from Presbyteries, Burghs, and Universities, produced and examined, and the Assembly constitute in all the members by unanimous consent, did, to our great grief, without any just cause or occasion offered by us, unexpectedly * depart, and discharge any further meeting or proceeding in this Assembly, under the pain of Treason; and after seven days sitting, declare all Acts made, or thereafter to be made in this Assembly, to be of no force nor strength; and that for such causes as were either then exprest verbally by his Grace, or contained in a

* False, and sufficiently before disproved.

Proclamation made by his Grace at *Glasgow*, † without any warrant of an Act of Council, contrary to the Law and Custom of this Realm: whereunto we answered by our Protestation of the twenty ninth of *November*, or otherwise for

† It is a wonder that men can be found who dare aver such an untruth, when the Proclamation at *Glasgow*, is subscribed by the hands of Our Councillors: Let the Reader turn back to it and be judge.

such Reasons as his Grace thought meet to alledge, which are since super-added in this late Proclamation, now made at *Edinburgh*, this eighteenth of *December*, wherein, for our greater surcharge of sorrow, we are heavily and wrongously blamed and taxed of many great offences.

Anent our Protestation.

And first for making Protestation against the Proclamation made at *Edinburgh* the twenty second of *September* last, whereas our Reasons contained in that our Protestation are so forcible and just, to demonstrate the necessity and lawfulness of our Act, that we judge all good men and Christians will be satisfied therewith; whereanent we remit our selves to our Protestation printed, and will not for shortness repeat the same Reasons here.

Anent our Watching the Castle of Edinburgh.

And where we are reproached and blamed in this New Proclamation for guarding and watching the Castle of *Edinburgh*, and impeding to import ammunition, or other necessities to any of His Majesties Houses; an Act which is exaggerate to be without an example in the Christian world, seeing

I 6.3 9.

* They confels
it within eight
lines after this.

seeing we deny that liberty to our Sovereign, which the meanest of us do assume to our selves: For Answer hereunto, we confidently affirm that we are unjustly challenged of all the said points, except for preveening dangers evidently threatned unto us by circumspect attendance about the Castle of *Edenburgh*; which afterward we shall shew to be warrantably done: * For we declare that we have never made the least stop or hinderance to the importation of any ammunition, victual, or thing whatsoever, into any other of His Majesties Houses, or Castles; nor for carrying all necessary sustentation into the Castle of *Edenburgh*; neither hath any of us fortified, or provided any of our private Houses for warlike defence; so that all those are heavy and unjust imputations: But we confels and grant, that there being some provision and ammunition quietly imported into this Kingdom, for furnishing the Castle of *Edenburgh*, and intended secretly to have been put therein, we have carefully preveened the famine by our diligent attendance, and that for such reasons, grounded upon equity, the Law of nature, and municipal Laws and Acts of Parliament of this Kingdom, and the lowable example of our predecessors: For the truth is, that having petitioned His Majesty for redress of our just grievances, and a Legal Tryal thereof, before we received any answer thereunto, all possible means were used to dissolve that union which was made amongst us for that good cause, and to impede all our meetings from deliberating thereupon, wherein the Town of *Edenburgh* made a considerable part, not only as an important member of this conjunction, but as a most commodious and ordinary place of our meetings; so that when all other means of persuasion had failed, the means of terrour was not left unassayed: And for that effect a great quantity of ammunition was brought by Sea from foreign parts to have been clandestinely imported into the Castle of *Edenburgh*, as no doubt it was intended, seeing the famine was unloaded in the dead time of the night: And we considering that in case the famine had been imported into the Castle, with other provision and store formerly therein, the famine might have been used and employed for the overthrow of that place, and tended to our great prejudice, by withdrawing them, upon that terrour, and displacing us from our ordinary meetings; upon these reasons and considerations we preveened the famine by such a loyal way as cannot be offensive to Authority: * *For the safety of the publick is the end of lawfulness, and supreme Law.* And the adversaries of our Religion having formerly boasted, by that provision so to furnish the Castle, that it might beat down the Town of *Edenburgh*, and bar the supplicants from meeting therein, we had just reason to hinder that fetter of slavery to be put upon the Town; and that the Castle of *Edenburgh*, which is amongst the first strengths of the Land against foreign forces, might be turned as a special engine of constraint against the subjects, to hinder their lawful meetings, or to force the Town of *Edenburgh* to separate from the rest of the supplicants: Which great prejudice the Law of Nature teaches us to avoid, and yet we have not proceeded therein without the warrant of the Acts of Parliament.

* True: but
We, and Our
Council, and
Our Judges,
and the rest
of Our Loyal
Subjects are
the publick;
mutineers and
rebels are but
a private and
schismatical
part, though
never so
many.

* But not with-
out or against
the Kings
command;
his General
(much less any
Lieutenant of
his, cannot do
that.

For first, where there is any violent presumption of spoyling of the Countrey, it is ordained that the * Lieutenant raise the Countrey, and pass to such Castles and Fortalices where there is any unruly men, and take sovertie of the persons within these houses, that the Countrey and all the Kings Lieges be unharmed and unskathed of the saids houses, and of them who inhabits the famine from time forth: And if any make difficulty to be arrested, and find sovertie as Law will, they shall be streined thereto

thereto, *James 2.* Parliament .2. Act 3. And therefore now seeing there is not only violent presumption, but great menacing, from the adversaries of the Truth and Countrey, and their adherents, of the breaking of the Countrey and harming of the famine; and especially His Majesties Lieges within *Edenburgh*, by the extraordinary provision of munition to the Castle of *Edenburgh*, and that by the saids Bishops plots from His Majesties prime Officers, who in His Majesties absence should preveen that inconvenient by the ordinance of that Act: Therefore upon their default the Countrey it self, and the King's Lieges, in whose favours the Act is made, may provide for their own safety, and keep themselves unharmed by that Castle, or any Inhabitants thereof, and so preveen the importation of Ammunition thereunto, conform to the said Act of Parliament.

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* All this which followeth, concerning the guarding of Our Castles and Forts, and keeping us out of them, containeth no less than Treason, and is not to be answered with a Pen.

* Secondly, As the Castle of *Edenburgh* and certain other Castles and Lands are the Kings undoubted annexed propriety; so it is to be considered for what cause they were annexed, by whom annexed, upon what condition, and how to be disposed upon. For the only cause exprest in the annexation thereof, 41. Act *James 2.* Parliament 11. is, That the Poverty of the Crown is oftentimes the cause of the Poverty of the Realm: Which Act makes no mention that the King was annexer of the Castles and Lands to the Crown, but only that by the Advice of the full Council of the Parliament it was so statute and ordained, and appoints that they may not be disposed upon, without advice, deliverance, and decreet of the whole Parliament, for great, seen, and reasonable causes of the Realm: So that being thus annexed to the Crown by the Realm it self, for avoiding an inconvenient to the Realm, and being annexed with condition not to be disposed upon without the advice and decreet of the whole Parliament, and for great, seen, and reasonable causes of the Realm; justice and equity will require, that these Castles should not be made an instrument of the poverty and desolation of the capital Town of the Realm, and of the harm of the most considerable part of the body of the Realm there convened for supplicating His Majesty and the Council, and preparing overtures to the future Parliament, for redress of our just grievances. But now by this extraordinary provision to the Castle, being threatned with ruin and exterminion, they may stop the mis-employing of that benefit granted to the Realm *eo animo & ad hunc finem*, for the well of the Realm, while the Parliament of the Kingdom give their humble advice to His Majesty thereanent.

Thirdly, By the 9. Act, 9. Parl. *James 6.* it is acknowledged that the Castle of *Edenburgh*, *Dumbarton*, *Stirling*, and *Blakness*, are four chief Strengths of the Realm, which ought to be safely kept to the Kings behove, and welfare of the Realm: And for keeping the Castle of *Edenburgh*, there is assigned, with consent of the Estates, both money and victual, a great part whereof is forth of the thirds of benefices, which thirds in *December, 1561.* were decerned and ordained by *Queen Mary*, with advice of Her Council and others of the Nobility then present, to be up-taken and employed for these two uses: *viz.* Sustaining of Ministers, and entertaining and setting forward the common and publick affairs of the Countrey and Common-wealth of the Realm: which was also Enacted, Act 10. Parl. 1. *James 6.* and thereafter ratified, Act 121. Parl. 12. *James 6.* Whereby it doth appear that as the Castle is the Kings undeniable annexed property,

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* Which the
Covenanters
are not.

† Whether
should the
King or His
Subjects keep
the Keys of
His own King-
dom?

* But the Co-
venanters are
the worst part.

† We do not
take them to
be such fools
as to expect
thanks from
Us for their
proceedings;
if they do,
they are like
enough to go
without them.

* The worst
and most di-
sloyal part of
all Our Sub-
jects.

† In what History be these words? is it not *Regi*
as well as *conventui* or *linam*? or can there be a
Convention of the three Estates called without
the King or His Authority?

so it is also a strength of the Realm, which should be safely kept to His Majesties behove, and welfare of the Realm, having for the keeping thereof Rents assigned with consent of the three Estates of the Kingdom forth out of the thirds of Benefices, estimate by the Estates *in eum usum*, for entertaining and setting forward the publick affairs of the Countrey and Commonwealth of the Realm. And consequently the most loyal * part of the body of the Realm hath main interest to divert the converting of this strength to the weakning or ruin of the Realm or any member thereof, threatned by this unusual provision, and openly denounced by our said enemies.

Fourthly, By the 125. Act 7. Parl. James 6. it is acknowledged that the Kings Castles and Strengths are the Keys of the Realm: and the only use of Keys is for keeping together in safety and preservation, and not for spartling, dispersing, or perdition. So that the Realm and collective body thereof can hardly be disallowed for contributing their loyal endeavours to the good keeping of their † own Keys, when contrary to the right end these Keys are used against the Countrey and Realm, whereof they should be, and are the Keys of safety: as by the said Act is declared.

Fifthly, By the same Act, all violent detainers of the Kings Castles from him, or constrainers of the Kings Regents do redeem his own houses, and all makers of any such bargain, merchandise, or market of the Kings Castles, are onely ordained to rander and deliver again what they have received for reddition of the saids Castles, and that the King shall have action for repetition thereof as necessarily given for the time, and wrongously received for unlawful causes. And our proceedings being compared with the subject of that Act of Parliament, cannot deserve so harsh constructions, where the * best part of the body of the Realm being constrained for indemnity of their persons and goods, do neither take nor detain the Castle, but only withhold importation, first clandestinely intended, and thereafter openly threatned, of all kind of warlike and invasive furniture, which could be useful to no purpose, but to the harm and annoyance of those who were convened for the just occasions foresaids, who deserve and expect approbation and † thanks from His Majesty in His own due time, for keeping His evil Counsellors, and bad Patriots, from putting hand in His best Subjects.

Sixthly, By the 25. Act 6. Parliament, James 2. sundry points of Treason are enumerate: And amongst the rest, one is the assailing, without consent of the Estates, the Castles or Places where the Kings person shall happen to be: And now the Kings Person not being in this Castle, but out of the Countrey, and the * best and most loyal part of His Subjects both for number and fidelity, imploring His Majesties Authority, for convocating the Estates to take order with these, who, presuming upon His Majesties absence, are bold to give him sinistrous information and counsel, these who do no ways assail the Castle, but bars these evil Patriots from putting in execution their damnable suggestions by their supercherie violence and terrifications from that Castle, before the convention of Estates, cannot in Law and Equity be challenged in their carriage, so necessary to them in the *interim*, while the Estates convene in a Parliament, which now His Majesty hath been graciously pleased to proclaim.

Seventhly, it is known by our Chronicles and Records, that the Castle of *Edenburgh* was given in keeping to the house of *Erskine*, by the King and Estates of Parliament, * *hac lege expressa & con-*

ditione, ut nulli nisi conventui ordinum reposcenti traderent.

Eightly,

Eighthly, This Act is not unexampled in the Christian World: but hath many preidents both in the History of other Kirks and Kingdoms, and of our own, which hath many such examples even done by the Estates themselves: whose fact doth make our right, and whose authority is ratified conform to the ancient and loveable custom, in punishing rebellious subjects, and preserving the faithful, Act 130. Par. 8. James 6.

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Anent our meeting and alledged Council-Tables.

In the next place we are upbraided for our meetings, which in the Proclamation are called Council-Tables, only by that name which by ordinary expression is due to judicatories, to make it believed, that we have arrogate to our selves some unwarrantable power and authority; (which we neither have nor intends to do God willing) whereas the truth is, that in a matter so highly importing all of us, as the preservation of Religion and purity of Gods Worship, it was most necessary for us to meet, and that in a sober, modest, and quiet way, for deliberating with joynt advice upon those weighty businesles for the good of the Kirk, His Majesties honour, and peace of the Kingdom: And those * meetings did never emit nor send forth any authoritative command or injunctions, but conclude upon such advices as might be most expedient for advancing that great business, and facilitating the way of supplication to His Majesty, and overtures for the Assembly and Parliament; which was an Act lawful and approvable in the self, albeit the conclusions thereof did not carry the force or validity of a binding Law or Command, which was never aimed at, nor intended: Which meetings they might warrantably keep for that end, being for Gods Glory, and removing the just grievances of the Subjects, no ways prohibited by any of our municipal Laws, which disapproveth such conventions as are for disturbance of the peace, or usurpation against Authority, whereof neither of the two can be alledged against these meetings: Not the first, because no invasion, violence, offer of wrong by word or deed, to any person, no even to those, upon whom they justly complain, ensued upon the same, notwithstanding of their provocations, and their fears falsely represented to His Majesty, and maliciously pretended for their stay out of the Countrey: Not the second, because their meetings was to consult in manner foresaid upon the most fitting and humble way of supplicating His Majesty, and for the most convenient propositions to be represented to His Majesty, the Parliament, and Assembly: All which Acts are most compatible with the loyalty and duty of good Subjects, and do no ways intrench upon Authority, seeing they can never be challenged to have assumed to themselves any judicial determination in any matter of State, Civil nor Ecclesiastical, but by voluntary instructions and opinions every one to another in a common cause of Religion, did resolve what might be most conducive to their lawful and just ends; And yet those conventions want not the warrant of Law and Authority, because they consist of the Nobility, Barons, Burrows, and Ministry, which by the fundamental Laws of the Land, have place of proponing, reasoning, and voting in Parliament and Assemblies, Act 113. King James the 6. Parl. 11. wherein is acknowledged that it is necessary to the King and His Estates to be truly informed of the needs and causes pertaining to His loving Subjects in all Estates, and therefore ratifieth the Act made by King James 1. An. 1427. Giving power to Barons, to propone all and sundry needs, and causes, and to hear, treat and determine all causes to be proponed in Parliament:

* Many letters have been sent down from Commissioners of Shires then resident at Edinburgh to them living in the Countrey, requiring them to do such things, as they would answer the contrary to the Table.

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* But was ever that previous meeting or convention of the Estates without the calling and authority of the King?

† Most false.

which necessary and true information cannot be made to His Majesty and Estates, * without privy meeting and consultation: and consequently it being granted to them, to inform the King and Estates, and to propound, hear, treat, and finally determine all needs and causes to be proponed in Parliament, there must be necessarily understood to be a sufficient power granted to them for meeting and advising upon that information: *Quia aliquo concessio, omnia concessa videntur, sine quibus concessum expediri nequit.* And as to the Ministers they have always power granted to them not onely by the Word of God and Constitutions of the Kirk, but by the King and Laws of this Land, to propound, reason, and vote in Assemblies, and by the same parity of reason to keep preceeding meetings, not to determinate or execute, but to consult upon their necessary Propositions. So that these lawful meetings, for the religious end, suffer wrongously the invidious designation of Council Tables: which is onely done for procuring misconstruction against them; because at these meetings and consultations they sate about a Table, which posture is no ways prejudicial to Authority, the meanest of mechanick crafts having their own Tables whereabout they sit, when they consult upon the smallest business importing their Trade. And farther, these same meetings, consisting of Commissioners from each Sheriffdom and Body of this Estate, were allowed by His Majesties † Council first, and thereafter by the Commissioner his Grace; In so far as the whole Subjects of this Kingdom out of their resentment of the weight of this cause, having numerously convened at *Edinburgh*, from all parts of the Kingdom, that confluence of People was desired to be dissolved, and directed to make choise forth of that great number of some Commissioners from each Shire who might meet to represent their just grievances and desires, and attend the answers thereof.

Anent some members of the Assembly alledged to be under Censure.

The third Particular challenge in the Proclamation, is for the illegal and unformal course taken in the election of Commissioners to the Assembly, whereof some are alledged to have been under the Censure of this Kirk, some under the Censure of the Kirk of *Ireland*, some banished for teaching against Monarchy, others being suspended, some admitted to the Ministry contrary to the Laws of this Kingdom, others at the Horn, some confined, and all by Oath bound to the overthrow of Episcopacy: Whereunto although no Answer be requisite, seeing the persons thereby meant, are not specially condescended upon, yet for clearing all mens minds, and shewing the warrantableness of our proceedings, it is of truth that the Assembly, after particular tryal which they took upon some such surmises, could not find any Censured by the Kirk of *Scotland* or *Ireland*, by a lawful manner, in a lawful * judicatory, or for a lawful cause: but on the contrary, the Assembly, after careful searching and examination, found, that any Censure inflicted upon any of these persons in *Scotland* was only by a Bishop (who ought to be punished for taking arrogantly on him the name of the Kirk of *Scotland*) and that without the advice of any Presbytery, but sitting in his high commission (which was condemned by the Laws of this Kirk and Kingdom, is discharged by the King's Proclamation, is one of our just grievances, and a part of the Bishops ditty) and that only for refusing the innovations and corruptions abjured by the Confession of Faith, 1580. For the Censure of the Kirk of *Ireland*, it was not notified to the Assembly by any such objection, and yet out of their zeal and care

* Who have made the Covenanters Judges of the lawfulness either of the judicatory or the cause? Especially, what an intolerable presumption is it in them to judge Our judicatories in *Ireland*?

to

to fatisfie all these misinformations, whereof they heard some whisperings, they fand after tryal, that these censures inflicted were for the same causes foresaids, and yet could not militate out with the bounds of that Diocye where they were censured in their own law and practick, and none of them were ever banished for any cause, let be for that odious cause pretended in the Proclamation, wherein the mention of Horning against some of the Commissioners could not be a lawful exception against them, because Horning can neither take away their Ministerial function, nor deprive the Presbyteries of their voice by their Commissioners: But in special this Horning against the Commissioners to the Assembly cannot be respected, because it was done in *Edinburgh* upon a †suddenty (upon what intention we permit every one to consider) after all the members of the Assembly were gone to *Glasgow*, and yet Protestation was taken against the famine, and suspension craved upon the real offer of consignation, which, contrary to the common law and practice of this Kingdom, was unexampledly refused, and publick Instruments taken thereupon: All which objections are only now remembred to blemish the proceedings of this Assembly, but were never urged nor proponed in the Assembly; but on the contrary. the Commissions of all persons were produced, examined, discussed, and approved in my Lord Commissioners own audience, without any contrary voice of the Assembly: And yet upon these challenges much is built against the Assembly, and the same are aggravate from a preceeding Oath, whereby it is alledged that the Commissioners were bound to overthrow Episcopal government, which is of the same stamp and mettall with the rest: For the truth is, that there was never any Oath given, nor exacted, but that which is contained in the Covenant, whereby all was abjured, only in general, which was contrary to the Confession of Faith 1580. leaving to the tryal and determination of the Assembly, whether Episcopacy and some other innovations were repugnant to the said Confession, or not. And at the best, it is a bad inference, that one who hath maintained orthodox opinions, and Preached against heresie, and error, may not in the lawful judicatory voice for condemnation of these errors. And as for the election of Moderators, admission of Ministers by Presbyteries, and restitution of Elders; the same needeth no answer in this place, being sufficiently cleared by us before in our answers to the 11. Articles exhibite unto us by the Commissioner his Grace: Which answers were so satisfactory, that after the receipt of the same, his Grace promised to procure a free general Assembly, with power to determine upon all questions anent members, matter, and manner of proceeding; And are farther cleared in the book of Policy, and other Acts already cited in our particular answer to the Declinator of this Assembly, produced by the Bishops. All which is approved by this general Assembly, and all Acts carrying appearance of contrarity thereto upon undeniable grounds are declared to be *null ab initio*.

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† But they know that many members of that Assembly were denounced Our rebels, and put to Our Horn, long before Our Assembly was thought on.

Anent the alledged Instrument sent from the Tables.

The fourth Act rubbed upon us to our prejudice by the Proclamation, is the sending from the Tables of Instructions, whereof the heads are summarily exprest, which his Grace indeed did show to the Assembly, and then the members of the Assembly declared, that neither of these Papers were ever sent from the * meetings at *Edinburgh* to any man in their know-

* Not from their public meeting (so

they durst not for fear it should be known) but from a Cabinet meeting, consisting of them who led the rest by the nose, and whose names We know, and shall be known to all in due time.

ledge;

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ledge; and yet for the first (which possibly might have been some private direction of one friend to another, without common advice) it doth not contain any thing offensive or partial. For the phrase of losing of our Christian and Civil liberty might be warrantably exprest in relation to our former bondage and slavery under the Prelats, tyrannizing in their High Commission, whereby most summarily, at their own pleasure, they deprived, fined, and confined all persons and professors, with such an high hand as justly we might affect deliverance from that servitude, which was likely more to interests by the unlimited power usurped in their Canons: So that the desire of this liberty cannot be judged an affectation of licentious living without subjection to lawful Authority, which in our solemn Cove-

† If it be forged, it is forged by none but Covenanters, who from many severall Shires in the kingdom did send copies of the same, written in the same words to Our Commissioner and others, and yet those Covenanters did not know one of anothers sending.

nant with God we have sworn to maintain. And as for the other paper, the † same is the forgery of our enemies presented to the Commissioner his Grace, of deliberate purpose to make a pretext for discharge of the Assembly, which we are sorry was so readily embraced, notwithstanding

that when the same was produced by the Commissioner, the same was not only cleared to be no draught sent by publick advice, but the members of the Assembly, and even those whom his Grace most suspected, denied the same, and offered to control it by production of the true paper of their instructions, altogether disagreeing from that other produced by the Commissioner, except in the two points following, which had been craftily intermixed with the said untruths, to give them some countenance of

* There was no man in the Assembly who offered any such Oath as is here alledged. We doubt not but there were many members of the Assembly who might have taken that Oath safely, because they were indeed never acquainted with these papers; but Our Commissioner (if he had been put to it by the Assembly) could have named many, especially some of the Nobility, Gentry, and Ministers, who could not have taken that Oath without perjury; and since it is now denied, they shall be named in due time and place.

† First, this (nor the eighth) was not published in their publick instructions (for it would have offended many Covenanters who were both Chapter-men and Chappel-men) and therefore they acknowledging it to be one of their instructions, must needs confess it to be amongst their private ones. But a wonder it is that men should not be ashamed to avow in print this their false and partial dealing; for this instruction concerning Chapter-men and Chappel-men was only given to bar some moderate covenanting Ministers from being chosen Commissioners; for, notwithstanding this instruction, Master Ramsay, who both was one of the Chapter of *Edinburgh*, and Sub-Dean of Our Chappel, and Rollock, who was Prebend of the same Chapter, and one of Our Chaplains, who duly Preached his turns in Our Chappel, and some others, fierce and fiery revolted Chapter-men and Chappel-men, were chosen Commissioners, though the reason here exprest was as strong against them as against the rest.

probability. Like as they professed to his Grace, upon their * Oath, that they had never seen the same before, nor ever read any of the Articles therein contained in any other paper, except the fourth and the eighth Articles, whereof the fourth was for eschewing (as far as might be) Chappel-men, Chapter-men, and Ministers, Justices of the Peace, from being chosen Commissioners to the Assembly: which was so reasonable, that none could be offended thereat, because * Chappel-men had approven, and without warrant of this Kirk practiced the innovations introduced of late; the Chapter-men had practised the book of Ordination, and (contrary to the Acts of the Kirk discharging Chapters and their election of Bishops 1478.) had approven the corruptions of Kirk government, and Ministers Justices of Peace had likewise accepted that civil office upon them, whereunto they were promoted for the most part as creatures and dependers of Bishops. And the eighth, wherein some are desired to study the points which were likely to be agitate in the Assembly, as *de Episcopatu, de senioribus*, and among other points, *de potestate supremi Magistratus in Ecclesiasticis, præsertim in convocandis conciliis*; whereat none can take just exception, because it was the duty of every member of that Assembly

ly to instruct and enable themselves for agitating every point, which might occur to be spoken of there by any, or been proponed by the Do-

ctors

ctors of *Aberdeen*, who were expected there, and commanded to study these points : So that this ought not to be wrested to their prejudice, seeing it was incumbent to the Assembly to know the precinct of the Kirks jurisdiction, especially anent their own Assemblies, and to distinguish it from the civil Jurisdiction of the supreme Magistrate, giving to God what is Gods, and to *Cæsar* what is *Cæsars*, whereby the Sovereign Magistrate hath no prejudice, but great benefit, to know the extent of his power in matters Ecclesiastical, lest either he should come short of what is due to him, or, for want of true Information, incroach upon the liberties of Christs Kirk; whereby it is most evident, that no indirect nor partial courses, nor dangerous propositions, have been used in the preparations and elections to this Assembly, but such as are most legal, peaceable, ordinary, and warrantable.

Anent our going to Glasgow with alledged numbers and weapons.

In the next place the Proclamation charges our innocency for repairing to the Assembly with great troupes and bands of men boddin in fear of war, and furnished with forbidden arms, in contempt of a preceeding Proclamation; whereas the truth is, that our going and repairing to *Glasgow* was the most peaceable, quiet, and single way which might serve for our security and indemnity against sundry outlawes, *Clangregors*, and their followers, who shortly before the meeting of the Assembly had done sundry outrages, and committed many insolencies upon the Kings good subjects in these Western parts, both to private men, whom by their number they might enforce, and by exacting moneys at publike mercats near *Glasgow*, whereof many were advertised by their private friends from these places, and to come thither prepared for eviting all affront or hazard which they might incur by that rascally multitude: So that being firmly resolved of before to go thither every one accompanied with his own ordinary private Train, we yet continued in that resolution, and went thither in most sober and quiet way, only with this change, that for preveening that hazard we went not every man alone with his own ordinary servants, but some few together went in company; which is not only ordinary in going out the way, but was most expedient at that time for avoiding the foresaid hazard and prejudice: which moved us all so to carry with us some offensive weapons, wherewith not only these Rebels were provided, but likeways such who went to *Glasgow* with His Majesties Commissioners, who upon that same necessity were likeways † provided with those prohibited Weapons, and yet their carriage nothing thought to deboird from the duty of good Subjects. Upon these reasons some of the supplicants being prelent in *Edenburgh*, at the making of the said Proclamation 16 of *November* last, did protest that it might be lawful for them to carry Weapons for their own defence, and preservation against any such lawless Invasion or Violence as might threaten them, and that they might incur no prejudice by carrying such Weapons as those who followed Councillors and many others did, promising to carry themselves peaceably and irreproveably during the time of the Assembly, which accordingly they have done: and seeing our said carrying of Weapons was for defence of our lives, against the Invasion of these barbarous forners, we are not censurable therefore by the Act of Parliament prohibiting the said Weapons, because we was repairing to, or returning from the Assembly at command of His Majesties Letters and Authority, which is in special words exprest in the Act

† Most false.

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Act of Parliament, Act 18. Parliam. 1. *James 6.* which is thereafter ratified with the same provisions, Act 87. Parliam. 6. *James 6.* and thereafter also ratified, Act 248. Parliam. 15. *James 6.* Like as by the 227. Act Parliam. 14. *James 6.* all honest men, and good Subjects Free-holders are authorized with a Commission to take and apprehend the persons and goods of those Sorners and Thieves, keep themselves in prison, and execute them to the death: And therefore far more to carry Weapons for resisting of savage violence.

Anent our refusal of Assessors, and of the Bishops Declinator.

And where the formal and orderly proceeding of this Assembly is challenged in the Proclamation, as peremptory, for refusing voice to the six Assessors assumed to himself by the Commissioner, and for not suffering the Declinator by the Bishops to be read before the electing of a Moderator, We cannot conceive the same to be a just cause of offence, because albeit according to our bound duty, We defer all humble respect to his gracious Majesties Commissioner, and to the persons and places of the prime Noblemen, and Counsellors his Graces Assessors, yet for preservation of the liberty of the Kirk of Jesus Christ, We did in all humility remonstrate that His Majesties Commissioner and Assessors, how many soever (whose place is not to vote, but to assist the Commissioner by their Council for his orderly proceeding) could have but only one voice in the Assembly: Since after thirty nine national Assemblies of this reformed Kirk, where neither the Kings Majesty, nor any in his name were present, at the humble and earnest desire of the Assembly, His Majesty graciously vouchsafed his presence, either in his own Royal person, or by a Commissioner, not for voting or multiplying of voices, but, as Princes and Emperors of old in a Princely manner to countenance that meeting, and to proceed in it for external order: And if we had been honoured with His Majesties personal presence, His Majesty (according to the practice of King *James* of blessed memory) would only have given his own judgment in voting of matters, and would not have called others who had not been cloathed with commission from the Kirk; to carry things by plurality of voices: Which is also imported by his Graces Commission produced, wherein he is nominate sole Commissioner. Like as also His Majesties Father never had Assessors voicing in † lawful Assemblies, nor challenged the same to his Commissioners, but only of late days in these corrupt Assemblies, which for undeniable reasons are declared to have been null *ab initio*. And as to the refusing of the reading of the Declinator, and Protestation, exhibite by the Prelates, The same was publickly read, and the first Act of the Assembly, immediately after the election of a Moderator and constitution of the members, before the which time there was no Assembly established, to whom the same could have been read, or by whom it could be judged; Like as we desired his Grace to bring in the Prelates themselves, and we should both answer for their safety, and give them a full audience.

Anent His Majesties Declaration wherein it is not satisfactory.

And further, where as his Grace under his hand, gave in His Majesties declaration, mentioned in this Proclamation, the same being considered by the Assembly, gave them matter of great joy, to find His Majesties Royal heart so far enlarged towards them, as willingly to untie some of those grievous

† It is a bold and impudent speech to affirm that Our royal Father kept unlawful Assemblies, especially when some of them are confirmed by Parliament.

vous bands wherewith they had been fettered by the means of some who abused their own places, and trust with His Majesty; But the same was not found satisfactory, nor sufficient for establishing of a legal security of the points therein mentionate, nor yet for purging the corruptions, and settling the peace of this Kirk, as was promised, whereof the Commissioner his Grace would not stay to be informed, but did unexpectedly and suddenly remove, to the great grief of the Assembly, who thereby was necessitate to use the power † God had put in their hands, for removing all innovations, and settling the purity, and peace of this Kirk. And seeing in this Proclamation His Majesties Declaration is insert *ad longum*, and the Assembly taxed for not being fully satisfied therewith, we are enforced to repeat here the reasons which moved the Assembly not to think the same satisfactory, in hope that they, coming to His Majesties sacred ears, may procure the continuance of his benign favour, so acceptable to this Kirk, by the indiction of this Assembly, and production of the said Declaration, and obtain his Royal approbation to the whole Acts and proceedings of this Assembly, which is heartily wished, and would replenish the hearts of all good Subjects with abundant joy and contentment. And first, where His Majesty hath discharged the Service-Book, and Book of Canons, and practice of both, and all Acts, Proclamations, and Ordinances made for establishing thereof, upon information that by the introduction of them, the Subjects have apprehended the in-bringing of Popery, and superstition to have been intended: Neither the discharge nor the ground thereof are satisfactory; Not the first, because as some Acts and Proclamations did serve for their establishing, so others gave them an high approbation, as fit means to maintain religion and beat down all superstition: And therefore though those which established them be rescinded, yet those which approved them do remain, and may bring forth other Acts and Proclamations for restoring them or the like hereafter, if these books receive not a publick censure by the general Assembly as the only judge competent to bar them and the like in all time coming: Seeing Acts of Council, and Proclamations, are frequent and variable, and yet are no legal valid mean either to introduce or abolish any thing concerning the Doctrine and Discipline of the Kirk, wherein they neither can meddle nor secure the Subjects, Next seeing by the constitutions of this Kirk * the general Assembly hath only power to determine concerning the matters of Gods publick worship; And that the framers of these books, who called themselves the representative Kirk, made them to be practised in sundry places of the Countrey by their own Authority, and that which they borrowed from † the Lords of secret Council: Therefore it was most necessary that the same should be discharged by the general Assembly (the only true representative Kirk of this Nation) for vindicating her just right from violent usurpation, and preventing the like in time coming; Not the second, for the Subjects have just grounds of perswasion that the Prelats and their followers (the framers and followers of those books) intended the in-bringing of Popery and Superstition by the introducing thereof, because, 1. Many gross points of Popery and Superstition are not only closely couched under the cover of ensnaring ambiguities (the most insinuating way of errors and best mask to Superstition) but also expressly contained in the Books themselves; as was made manifest by sundry treatises read and considered in the Assembly, and is now so declared by the Assembly. 2. The framers and favourers of these Books in their Sermons and Conferences have vented sundry Popish errors, and approved Popish Superstitions: which fully detecteth and leaveth no

I 639.

† God never
ut it in their
hands, but the
Devil, who is
the author of
all sedition
and rebellion.

* But never
without the
authority of
Us and Our
Successors.

† The confes-
sion of Faith
and band an-
nexed, upon
which their
covenant is
grounded,
were enjoyn-
ed at the first
only by the
authority of
Our royal Fa-
ther and his
Council, and
so these Books
were com-
manded by as
good Authori-
ty as those.

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doubt of their intention, in the introducing of Books so full of Popery and Superstition.

Secondly, the discharge of the high Commission by His Majesties Proclamation or Declaration, cannot be sufficient; because first, His Majesty declareth that he established the same for the ease and benefit of the Subjects, that justice might be administered with the more conveniency and less trouble of the people, and now dischargeth it, because the Subjects have mistaken his gracious intention: So that if the mistaking be removed, that which is conceived of it self to serve for administration of justice, with ease and benefit to the Subjects, may be established upon pretention of the removal of all such mistakings. Secondly, though the Acts and Deeds made for establishing thereof be rescinded, yet the Acts past heretofore by the high Commission are not rescinded, and so the Subjects censured by it are still esteemed under these censures, as appeareth by the tenour of the Proclamation, wherein the Assembly is taxed, as consisting of some members that are under the censures of this Kirk, meaning the Bishops censure in the high Commission. Thirdly, it being found contrary to the Acts of Parliament, and Acts of general Assembly, and extremely derogatory to them and all other subalterne judicatories both Civil and Ecclesiastical (which is made clearly manifest by a treatise presented to the general Assembly,) and it being devised and brought in by the suggestion of Bishops, as a mean whereby they might and have unlawfully tyrannized over all the Subjects; Therefore it is necessary that the Parliament and general Assembly, the highest Civil and Ecclesiastical judicatories that have been wronged, should by their several sentences utterly abolish it as unlawful and hurtful.

Thirdly, whereas His Majesty dispenseth with the practice of Pearth Articles. dischargeth all from urging the practice thereof, freeth from censures for not urging or practising them, notwithstanding of any thing contained in the Acts of Parliament, or general Assembly to the contrary, and is content that the Assembly take the same so far to their consideration, as to represent it to the next Parliament there to be ratified as the Estates shall find fitting: These cannot satisfy; because first, a dispensation with the practice, without a simple discharge, leaveth it still arbitrary to those who will practise, and so continueth the rent and distractions in this Kirk. Secondly, although His Majesty had discharged the practice of them by his Proclamation or Declaration, yet the Subjects had not been put in security thereby, except the general Assembly (to whose tryal they belong and were referred by all the subscribers of the Confession in *March*) do either repel the Articles of Pearth, or upon good reason declare that Assembly null, since His Majesties Proclamation or Declaration is not a sufficient warrant to infringe an Act of Assembly or Parliament made to the contrary. Thirdly, by tying the Assembly to take the same no farther unto their consideration than to represent it to the next Parliament, the Assembly is both prelimitate (whereanent refers to the six reasons against prelimitation insert in our Protestation *September 22.*) and weakned in power, *as if it might not judge and determine in matters merely Ecclesiastical without a licence from His Majesty, or a reference to the Parliament, whereas the general Assembly is supreme and independent in matters Ecclesiastical, as the Parliament is in Civil; so that when the Acts of Assembly are ratified in Parliament, the same is for adjoyning the Civil sanction to the Ecclesiastick constitution for the great terror of transgressors.

* It may not; and the holding of the contrary is a false and Jesuitical position.

Fourthly,

Fourthly, anent the oaths administrate to Ministers at their entry, it hath not only been pretended, but is certain, and will be made manifest to the Assembly, (which also now is done) that oaths have been exacted different from that which is set down in the Acts of Parliament, and in many several ways according to the pleasure of the Prelats: And where His Majesty declares that no other oath shall be required of a Minister at his entry, nor that which is set down in the Act of Parliament, * the same is of fearful consequence, because the Act bears an oath to be given unto the Bishop by Ministers intrants, and so supposeth the office of a Bishop to be unchangeable and uncontroverted, whereby the Assembly is prelimited (against the reasons before-mentioned) which may find that office useless and unlawful in this Kirk, and which now they have found upon most infallible reasons.

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* A fearful proposition indeed it is, to hold Episcopal government to be an uncontroverted government, which hath continued in the Church ever since the time of Christ and his Apostles, without the least suspicion of controversy until within these few years.

Fifthly, that His Majesty assureth general Assemblies shall be kept as oft as the affairs of this Kirk shall require, doth not satisfie, because first, by leaving the time indefinite, it prejudgeth the liberty of the Kirk of holding yearly general Assemblies at least, and oftner *pro re nata*: ratified by the Act of Parliament, 1592. the disuse whereof hath been a main cause of our evils, which should be prevented in time coming, by renewing that ancient necessary custom and liberty: Secondly, by the same Act of Parliament it is provided that the King, or his Commissioner being present, shall appoint the time and place of the next Assembly: And in case His Majesty or his Commissioner be not present for the time in the Town where the Assembly is holden, it shall be leasom to the said general Assembly by themselves to appoint the time and place of the next Assembly, as they have been in use in times past: But this Declaration not only leaves all indefinite, but totally everts that power and liberty competent to them by law and custom: Thirdly, as it doth not determine how oft the ordinary affairs of this Kirk require an Assembly (which the custom of this Kirk and Act foresaid evidently manifest to be yearly once at least) so neither doth it determine who shall judge when the necessity of extraordinary affairs require an Assembly *pro re nata*: whereas undoubtedly the Kirk will be most sensible of her own necessities, and is the most proper Judge of her own affairs: And therefore should have freedom to appoint her own times when she finds her self pressed with present exigencies, as His Majesty hath also power when he perceives any necessity requiring the same.

Sixthly, whereas His Majesty is content that all the present Bishops and their successors be answerable to, and censurable by the general Assembly, it doth not satisfie; because, First, it bears a prelimitation of the Assembly in the matter of trying that Office, and presupposes the continuance thereof by succession as unquestionable. Secondly, They have been formerly made censurable by the general Assembly in the straightest way that the Kirk could enjoin, or they could assure: And yet these thirty years they have shunned all censure (though all their actions deserved it) by procuring general Assemblies to be prorogate, and then suddenly indicted when they had cunningly prepared both persons and purposes to their mind: Likeas now they have by their Declinator refused to answer, and be censured by this present Assembly indicted by His Majesty, convened in the name of Christ, and perfitly constitute in the members thereof: And therefore it yeth upon this present Assembly to take some solide course, for securing the Kirk, in all time coming, against the prejudices of their former and frequent breaches contrary to their oaths given.

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* But they do not declare all the truth; for of twenty Lords of the Session, only four did it, but the rest who were present did the contrary.

Seventhly, whereas His Majesty requireth this present Assembly to subscribe this Confession of Faith formerly signed by his Royal Father, 1580. and lately commanded by His Majesty to be subscribed by all His Majesties Subjects: The reasons contained in the Protestation, *September* last 22. (whereto we adhere and repeats the same) do sufficiently evidence that we cannot subscribe the same: to which we add, First, that His Majesties Commissioner hath declared to the Lords of Session when their subscriptions was required, that it might subsist with the innovations introduced since the year of God, 1580. which * some of the said Lords then did, and all of us do now conceive to repugn to the genuine and true sense of the Confession of Faith as it was first made: Secondly, that his Grace hath protested divers times in this Assembly, that nothing done or to be done therein prejudice the Archbishops and Bishops in their priviledges, places, power and jurisdiction: whereby he declareth that these may subsist with the Confession of Faith, notwithstanding they be novations introduced upon this Kirk, contrary to the same, since the year foresaid, as is now found by the Assembly: Thirdly, That to the Assembly, presently convened and perfectly constitute in the members thereof, it pertaineth properly according to the word of God, constitutions of this Kirk, and Book of Policy, ratified in divers Assemblies, to determine what is the true meaning of the Confession of Faith, and to make the same known to all the members of this Kirk, who thereafter without scruple or danger may subscribe the same. And although the Assembly could not find this Declaration satisfactory for these and the like weighty reasons, yet were they willing the same should be insert in their Books for obedience to His Majesties desire; and thankfully acknowledging His Majesties pious affection to true Religion, and Royal resolution to defend the same and his Subjects in the profession thereof, exprest in the closure of his Royal Declaration, they were confident that when His Majesty shall be fully informed that the novations introduced since the year, 1580. are incompatible with the Confession of our Faith, he will be pleased graciously to vouchsafe his comfortable protection upon those, who (adhering to the true meaning of that Confession now fully cleared by the Assembly) have abjured all the innovations introduced, and by their great oath and subscription have bound themselves to maintain the true Religion, and His Majesties person and authority in defence of the same. And thus true Religion being the channel which convoyeth both duties to their proper object, the evidence of Gods image in our dread Sovereign his Depute shall be terrible to all the enemies of His Majesty, and of his loyal Subjects who stand for the Confession of Faith, and the true meaning thereof, and shall raise up the affections of his Religious Subjects towards His Majesty above all earthly respects.

Antient Episcopal government, and the other general reasons.

And where it is subjoyned in the Proclamation, that nothing was able to give contentment, except we were permitted to overthrow Episcopal government, and to abrogate publick Laws standing, and take away one of the three Estates, we are sufficiently cleared thereof by the Acts of the Assembly, abrogating, and abolishing Episcopal government in this Kirk for † infallible reasons contained in the said Act, and also by our answer published to the Declaration emitted in the Commissioners name (which for brevity we forbear to insert herein) whereby we have sufficiently evinced

† The reasons contained in that Act are infallibly false.

evinced that our proceedings are not contrary to the Laws of the Kingdom, or destructive of any lawful third Estate, and which part of the Proclamation doth close with an undeserved imputation to our loyalty, bearing, that for the like dangerous Acts so derogatory to Royal Authority, and for other reasons importing true Monarchical government, the Commissioner was forced to dissolve the Assembly; but the same is so generally expressed, that it appears evidently to be done of plain purpose to make us hateful, which we hope will not work that end, unless some special Act of disloyalty or malversation could be specially condescended upon (which undoubtedly had not been omitted if it had been possible) otherways that dark cloud of general terms cannot obfuscate the pure brightness of our sincere intentions, unless our true representation of grievances, and earnest humble pressing legal redress thereof at His Majesties hands, may deserve that aspersion in the eyes of these Counsellors, who think themselves obliged rather in absolute obedience, than a dutiful representation to their Sovereign of what is just and warrantable; wherein we appeal to all the world, if either our proceedings, or opinions be any ways derogatory to the true power of Monarchical government or His Majesties authority, which we are obliged to defend with our lives and fortunes by our Covenant.

Anent his Graces intention to return.

And where in the Proclamation, in that part thereof anent the Commissioners discharge of the Assembly, is insinuate some expression of his Graces willingness to return the next morning to the Assembly, we declare, That we were most sensible of the benefit of his Graces presence, and received great contentment by that countenance of Royal Authority in representation, whereof we would never have deprived our selves if we had had the least signification of any such intention: but the truth is, that having called our selves to our best remembrances, we heard no word or expression tending that way; but by the contrary * we did humbly require his Grace to give in the reasons of his discontentment in writ, and to return the next day again, at which time we should give in sufficient answers thereto, which might wipe away all his Graces objections, and move him to continue his wished presence to that Assembly, whereat he had publickly professed he could no longer assist: but this being refused, and the Assembly discharged by him, we were necessitate to protest both that day and the day following upon the Mercate Cross of *Glasgow*, and to shew, that in conscience of our duty to God and his truth, the King and his honour, the Kirk and her liberties, this Kingdom and her peace, this Assembly and her freedom, to our selves and our safety, to our posterity, persons, and estates, we could not dissolve the Assembly for the reasons following.

* Most false.

Anent our sitting still after the Commissioners discharge.

First, for the reasons already printed anent the convening a general Assembly, which are now more strong in this case, seeing the Assembly was already indicted by His Majesties Authority, did convene and is fully constitute in all the members thereof, according to the word of God and discipline of this Kirk, in presence and audience of His Majesties Commissioner, who hath really acknowledged the same by assisting therein seven days.

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days, and exhibition of His Majesties Royal Declaration to be registrate in the books of this Assembly, which accordingly was done.

Secondly, for the reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgesſes, Miniſters, and Commons, whereunto we did then judicially, and do now actually adhere, as alſo unto the Confession of Faith and Covenant ſubſcribed and ſworn by the body of this Kingdom.

Thirdly, becauſe as we are obliged by the application and explication ſubjoyned neceſſarily to the Confession of Faith ſubſcribed by us, ſo the Kings Maſteſty, and his Commiſſioner, and privy Council, have urged many of this Kingdom to ſubſcribe the Confession of Faith made in *anno* 1580. and 1590. And ſo to return to the Doctrine and Diſcipline of this Kirk as it was then profeſſed; but it is clear by the Doctrine and Diſcipline of this Kirk, that it was moſt unlawful in the ſelf, and prejudicial to theſe privileges, which Chriſt in his word hath left to his Kirk to diſſolve or break up the Aſſembly of this Kirk, or to ſtop and ſtay their proceedings in conſtitution of Acts, for the wel-fare of the Kirk or execution of diſcipline againſt Offenders, and ſo to make it appear that Religion and Kirk Government ſhould depend abſolutely upon the pleaſure of the Prince.

Fourthly, becauſe there is no ground of pretence, either by Act of Aſſembly, or Parliament, or any preceding practice, whereby the Kings Maſteſty may diſſolve the general Aſſembly of the Kirk of *Scotland*, far leſs His Maſteſties Commiſſioner, who by his Commiſſion hath power to indiſt, and keep it *ſecundum legem & praxim*, but upon the contrary His Maſteſties prerogative Royal is declared by Act of Parliament to be no ways prejudicial to the privileges and liberties which God hath granted to the ſpiritual office-bearers and meetings of this Kirk, which are moſt frequently ratified in Parliaments, and eſpecially in the laſt Parliament holden by His Maſteſty himſelf; which privileges and liberties of the Kirk, His Maſteſty will never diminifh or infringe, being bound to maintain the ſame in integrity by ſolemn Oath given at his Royal Coronation in this Kingdom.

Fifthly, the Aſſemblies of this Kirk have ſtill enjoyed this freedom of uninterrupted fitting, without or notwithstanding any contramand, as is evident by all the Records thereof, and in ſpecial by * the general Aſſembly holden in *anno* 1582. which being charged with letters of Horning by the Kings Maſteſty his Commiſſioner, and Council, to ſtay their proceſs againſt Mr. *Robert Montgomery* pretended Biſhop of *Glaſgow*, or otherways to diſſolve and riſe, did notwithstanding ſhew their liberty and freedom by continuing and fitting ſtill, and without any ſtay going on in that proceſs againſt the ſaid M. *Robert*, to the final end thereof, and thereafter by letter to His Maſteſty did ſhew clearly, how far His Maſteſty had been miſ-informed, and upon miſ-information prejudged the prerogative of *Jeſus Chriſt* and the liberties of this Kirk, and did Enact and Ordain that none ſhould procure any ſuch warrant or charge under the pain of Excommunication.

Sixthly, becauſe now to diſſolve after ſo many ſupplikations and complaints, after ſo many reiterated promiſes, after our long attendance and expectation, after ſo many references of proceſſes from Presbyteries, after the publick indiſt of the Aſſembly, and the ſolemn Faſt appointed for the ſame, and after frequent convention and formal conſtitution of the Aſſembly, in all the members thereof and ſeven days fitting, were by this Act to offend God, conten in the Subjects petitions, deceive many of their conceived hopes of redreſs of the calamities of the Kirk and Kingdom,

* That Aſſembly is but one i ſtance and a very reproveable one. The Miniſters of the pretended Aſſembly at *Aberdeen* did the ſame, and were moſt ſeverely puniſhed for it.

dom, multiply the combustions of this Kirk, and make every man despair hereafter ever to see Religion established, innovations removed, the Subjects complaint respected, or the offenders punished with consent of Authority, and so by casting the Kirk and Estate loose and desolate, would abandon both to ruine.

Seventhly, it was most necessary to continue this Assembly, for preventing the prejudices which might ensue upon the pretence of two Covenants; whereas indeed there is but one: that first subscribed in 1580. and 1590. being a national Covenant and Oath to God, which is lately renewed by us, with that necessary explanation which the corruptions introduced since that time contrary to the same, enforced: which is also acknowledged in the Act of Council in *September* last, declaring the same to be subscribed as it was meant the time of the first subscription; and therefore, for removing that shame and all prejudices which may follow upon the shew of two different Covenants and Confessions of Faith in one Nation, the Assembly could not dissolve before it had tryed, found, and determined that both these Covenants are but one and the self-same Covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first as it was subscribed in *anno* 1580.

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Anent our citation of Counsellors.

And further in the said Proclamation, the strain of our Protestation is taxed, because we have thereby presumed to cite those of His Majesties Council who have procured, subscribed, or ratified this Proclamation, to be responsal to His Majesty and three Estates of Parliament; whereas the same cannot be justly quarrelled, because it is grounded upon the Law of the Kingdom, and warranted by the Act of Parliament therein cited 12. Act Par. 2 *James* 4. which Act is grounded upon good reason: for it were strange to think that Counsellors giving bad Council, to the evident prejudice and ruine of the Countrey, and publick detriment of the good Subjects, should not be countable therefore to His Majesty and his Estates: and it is not without instance in our Laws, that perverse Council hath been given in misguiding the Kings and common good of this Realm, Act 6. Par. 1. *James* 4. which is also acknowledged by the reduction of grants made by Kings to these perverse Counsellors, Act 3. Par. 4. and Act 5. Par. 1. *James* 4. The perverseness of which misguiding Council, hath been assuredly the cause why in the next Parliament in the year immediately subsequent, the Kings Council was chosen in Parliament, and sworn in presence of the King and three Estates, and ordained to be responsal and accusable to the King and three Estates for their Council: which cleareth that both evil Council may be given, and that the Council may be accused before the King and Parliament for malversation in their charge. Like as His Majesty in the Proclamation, makes all persons lyable to the Parliament and general Assembly, and so giveth way to this previous citation, which may serve for a forewarning and intimation that they may be accused if they be guilty, as we know all are not, and wish that none were.

Anent the injunctions and Proclamation, and our answer thereunto.

All which heavy objections and imputations are premitted in the Proclamation to the conclusion and command thereof, which resolveth into two heads; the first discharging obedience to the Acts of Assembly, and liberating

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* They should do well to try if they can answer it, and the Queries of Aberdene better; for the common opinion is, that neither of them yet are answered at all.

† All these texts of Scripture are profaned and abused; for no such thing can either possibly or probably be inferred from them.

* It is well that they will cite the Pope his Law whom they call Anti-christ; for when any thing is objected against them out of the Canon Law, it is usual with them to reject that as Popish and Anti-christian.

liberating all, who shall disobey, from censure, and promising protection to the disobeyers, and inhibiting all Presbyteries, Sessions of Kirks, Ministers within this Realm in their Sermons, Sessions, and meetings, or any otherways, to authorize, approve, or allow the Assembly at *Glasgow*, or do any deed which may countenance the same, under pain to be punished with all rigour. And commanding all who shall hear them, to delate the same, under pain of the like punishments; likewise straitly charging and commanding all Judges within this Realm, Clerks, and Writers, not to grant or pass a bill, summond, or letters, or any other execution whatsoever, upon any Act, or Deed proceeding from the said Assembly; and all keepers of the Signet from signeting thereof, under all highest pain. And the second head, commanding all Subjects to subscribe and swear the Confession commanded by His Majesty, conform to the sense and meaning of the Declaration published by the Commissioner, whereunto we need not here make any answer, but remits the same to a special answer, published in Print made to that * Declaration. But for the first, the same is so far repugnant to the word of God, practice of the primitive Kirk, the Laws Civil and Canonical, the custom of all Nations, the constitutions of our general Assemblies, Acts of Parliament, practice of other judicatories within this Kingdom, to the Confession of Faith and Discipline of this Kirk, as we cannot believe any such commandments to proceed from our gracious King, but from the malice and mis-information of our adversaries, the conscience of whose guiltiness affrighteth them to undergoe their deserved censure; which is † clear, first, That the same is contrary to the Law of God, from that place of Scripture, *Mat. 18.* wherein the Kirk is commanded absolutely to inflict censures, *1 Cor. 5.* wherein the Kirk did execute that commandment. And the Kirks of *Pergamus* and *Thyatira*, are reproved for not executing Ecclesiastical censures against those who held the Doctrine of *Balaam*, or of *Jezebel*, *2 Rev.* So that the power of the Keys in Ecclesiastical censures is so intrinsically and so essentially competent to the Kirk and general Assembly *jure divino*, as obedience to her decreets and executions thereof, cannot be suspended, far less taken away and discharged by humane authority, more nor the power of Preaching and Administration of the Sacraments. Secondly, it is contrary to the practice of the Apostolike and Primitive Kirks, whose constant practice was to execute the spiritual functions and censures; and, notwithstanding humane prohibitions, to obey God rather than man. Thirdly, It is contrary to the civil Law, *si contra jus vel utilitatem publicam, vel per mendacium fuerit aliquid postulatum vel impetratum ab Imperatore. Et titulo de diversis rescriptis & pragmaticis sanctionibus.* Fourthly, the same is contrary to the * Canon Law *decret. decretal. extravagan. titulo de rescriptis.* Fifthly, it is contrary to the universal custom in all Nations, ordaining their Judicatories to do justice, notwithstanding their Princes prohibition, as is clear by *Convarnvia in Spain, Pappon in France, Suedwyn in Germany, &c.* upon the title *de rescriptis aut constitutionibus principum.* Sixthly, to the constitutions of general Assemblies, because in fundry general Assemblies, upon complaints made that the Kings Majesty and his Council by their letters offered some stop to the Kirk from going on in her Ecclesiastical censures, especially by Act of the general Assembly convened in the new Colledge of *Sanctandrows* 20 April 1582. it is ordained that none being received to any Ecclesiastical function, office, or benefice, seek any way by the civil power to exeeme and withdraw themselves from the jurisdiction of the Kirk, or procure, obtain, or use any letters,

ters, or charges, either by themselves, or any other in their name, or at their command and instance, to impair, hurt, or stay the said jurisdiction, discipline, correction of manners, or punishment of their offences and enormities, or to make any appellation from the General Assembly, to stop the discipline, and order of the Ecclesiastical policy, and jurisdiction granted by Gods Word to the office-bearers within the said Kirk, under the pain of Excommunication summarily, without any process, or admonition to be pronounced by the judgment of the Elderhip, by the Minister, or Ministers which shall be appointed by them, how soon it is known that any of the said heads are transgressed; Likeas both the Kings Majesty and His Council promised that none thereafter should have that cause to complain, as is manifested by the Act of Assembly at *Montrose*, in *July 1597.* and in the Assembly holden at *St. Andrews*, 24. *April, 1582.* being charged with Letters of Horning not to proceed against *Mr. Robert Montgomery*; the Assembly did write to His Majesty that this discharge was extraordinary, as a thing that was never heard nor seen since the world began, and was directly against the Word of God, and Laws of the Kingdom: And yet notwithstanding of the said charge, the Assembly did proceed and Excommunicate the said Master *Robert*. Further, In the Assembly at *Edinburgh*, the 27. of *June, 1582. Sess. 7.* amongst the grievances presented by the Kirk to the King, the first is, That His Majesty by device of some Councillors is moved to take upon Him that Spiritual Power and Authority which properly belongeth to Christ as only King and Head of His Kirk, the Ministry and Execution whereof is only given to such as bear office in the Ecclesiastical Government of the same; so that in His

Majesties Person some men press to erect a Popedom, * as though His Majesty could not be full King and Head of this Common-wealth, unless as well the Spiritual as Temporal Sword be put in His Majesties hands, unless Christ be rest of His Authority, and the two jurisdictions confounded, which God hath Divided; which directly tendeth to the wrack and overthrow of all true Religion, &c. And in the Assembly holden

at *Edinburgh*, in *Octob. 1582. Sess. 15.* Summons are direct by the General Assembly against the Kings Advocate, for drawing up the Kings Proclamation of that strain. Seventhly, The foresaid command is also contrary to the Acts of Parliament; because as the Acts of Parliament appoint every matter for its own Judicatory, and to all Judicatories their own freedom, so much more doth this liberty belong to the National Assembly, being the supreme Judicatory Ecclesiastick of this Kirk, and only competent Judge in matters so important, and so nearly concerning Gods Honour and Worship immediately, the salvation of the Peoples Souls, the settling of the purity of Gods Worship, the purging away the corruptions thereof, and right constitutions of the Kirk, whose Liberties and Priviledges are confirmed, *Parl. 12. King James 6. and Parl. 1. King Charles.* Likeas by the *12. Parl. 114. Act King James 6. Anno 1592.* the liberty and discipline of the Kirk, especially in her Presbyteries and Assemblies, are fully and firmly ratified, with declaration that the Act of the Kings Majesties Prerogative Royal over all Estates and Persons, shall no ways be prejudicial to the Priviledges which God hath given to the Spiritual Office-bearers in the Kirk, concerning heads of Religion, matters of Heresie, Excommunication, Collation, and deprivation of Ministers, or any such like essential Censures,

* Nay, but the pretended Assembly hath erected a Popedom; and for their Authority goe upon the same grounds, and use the very same Arguments, and abuse the very same places of Scripture which the Pope and the learnedst Patrons of the Pope do, for robbing of Princes of their Authority over all Ecclesiastical persons, and causes, in their several Dominions: The words which next follow are meer babbling.

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especially grounded and having warrant of the Word of God, with full power, even to the particular Presbyteries, to put order to all matters and Causes Ecclesiastical within their bounds, according to the discipline of the Kirk. Eighthly, The Lords of Council and Session by Act 92. Parl. 6. King *James* 6. are ordained to proceed in all Civil Causes intended or depending before them, or to be intended; and to cause execute their Decrees, notwithstanding any private writing, charge, or command from the Kings Majesty, or His Council in the contrary, and by the 47. Act, 11. Parl. King *James* 6. all Licences and Superfederees purchased from His Majesty, are discharged as contempt done to the Law, as great hurt to the Lieges, and contrary to Justice, and declareth the same to be null of the Law, and not admissibly by any Judge, nor effectual to the purchaser any ways, and ordaineth all Judges within this Realm to proceed and do justice, siclike and in the same manner as if the said Superfederees and Licences never had been purchased nor produced. Likeas by the 106. Act. Parl. King *James* 6. all Licences granted by His Majesty to hinder the execution of Acts against Papists and other Adversaries of the true Religion, are discharged and declared to be of no force: According to which it hath been the ordinary custom both in Civil and Ecclesiastical Judicatories (notwithstanding of privie Warrants or Prohibitions contrary to Law which commonly are impetrate from His Majesty upon misinformation) to proceed and minister Justice. Ninthly, To discharge Obedience to the Acts of the Assembly, stop the execution thereof, protect and defend such as are Delinquents and under the Kirks Censure, doth directly repugne to the large Confession of Faith of this Kirk; where in cap. 19. the third mark of the true Kirk is affirmed to be upright ministration of Ecclesiastical Discipline, as Gods word prescribes, for establishing good order and repressing of vice: and so no more can be impeded nor justly taken from the Kirk than any of her other two marks, viz. the right Preaching of the Word, and ministration of the Sacrament: And therefore in the Oath at the Kings Coronation, he Sweareth to maintain this Confession, and these three marks of the Kirk; and particularly that He shall be careful to root out of His Empire all Hereticks and Enemies to the Worship of God, that shall be convicted by the true Kirk of God of the foresaid crimes. Tenthly, In the short Confession of Faith sworn, 1580, and 1590. and renewed by the greatest and * best part of this Kirk and Kingdom, with an Explication renewed also at His Majesties Command by His Council, all are bound to continue in obedience of the Doctrine and Discipline of the Kirk, and defend the same according to their vocation and power: So that seeing this General Assembly hath proceeded in their Constitution, Acts, and whole proceedings according to the Discipline of this Kirk of *Scotland*, 1580. and 1590. contained in the Second Book of Discipline; which in both these years were ordained to be registrate and sworn to by all the Ministers of this Kirk, as the Discipline thereof, and wherein the Civil and Ecclesiastical Jurisdiction are so clearly distinguished in the 1. c. l. 2. as the power of the Sword may no ways stop or impede the power of the Keys: And in the 7. c. the Eldership and Assemblies hath power to execute Ecclesiastical punishment upon all transgressors and proud contemners of the Kirk: And in the 10. c. the Office of the Christian Magistrate is described to assist and maintain the Discipline of the Kirk, and punish those civilly who will not obey the Censures thereof, without confounding alwaies the one Jurisdiction with the other: and this Order of Ecclesiastical Discipline, condescended upon

*By the greatest, but the worst part of the Kingdom.

in General Assemblies, as warranted by Divine Authority to be executed notwithstanding any human inhibition, is set down before the Psalms in meeter: And therefore we can never expect that His Majesty, who out of His Pious Inclination to Justice by a late Proclamation 22. September last; hath declared and ordained that all His Subjects both Ecclesiastical and Civil shall be lyable to the Tryal and Censure of General Assembly, or any other Judicatory competent, will now stay the execution of the * lawful and grave Sentences of this National Kirk, so comfortable to us, and so necessary for maintaining the purity of Religion: which His Majesty in the end of the Articles before-mentioned hath promised to defend and His Subjects in the profession thereof, which is incompatible with the defence of Excommunicate and obstinate Persons. But therefore we are assured that His Gracious Majesty will be pleased to allow, that reverence and all ready obedience may be deferred to the whole Acts, Constitutions, and Censures of the said General Assembly, by all His Subjects, who undoubtedly and necessarily are obliged to obedience of all the lawful Commands and Injunctions of the Mother Kirk, if they would be accounted Members or Sons thereof.

By all which † cloud of weighty reasons the warrantableness of our just proceedings doth evidently appear, notwithstanding of all the Arguments of challenge adduced against us in the said Proclamation.

I.

And therefore for these and many other reasons, we the members of this Assembly, in our own names, and in the name of the Kirk of Scotland whom we represent, and we Noblemen, Barons, Gentlemen, Ministers, Burgeses and Commons, before-mentioned, do solemnly declare in the presence of the everlasting God, and before all men, and protest * That our thoughts are not guilty of any thing which is not incumbent to us, as good Christians towards God, and loyal Subjects towards our Sacred Sovereign: And we attest God the Searcher of all hearts, that our intentions and whole proceedings in this present Assembly have been and shall continue according to the Word of God, the Laws and Constitutions of this Kirk, the Confession of Faith, our National Oath, and that measure of light, which God the Father of Light hath granted unto us, and that in the sincerity of our hearts, without any preoccupation or passion.

II.

That it was and is most lawful and necessary for us to sit still and continue in keeping this present Assembly indicted by His Majesty, untill after conclusion of all matters it be dissolved by common consent of all the members thereof, and that for trying, judging and censuring all the by-gone evils, and the introductors, and providing a solid course of the continuance of Gods Truth in this Land with Purity and Liberty, according to His Word, our Oath and Confession of Faith, and the Lawful Constitutions of this Kirk.

III.

That this Assembly is and should be esteemed and obeyed as a most lawful, full and free General Assembly of this Kingdom, and that all Acts, Sentences, Constitutions, Censures, and Proceedings of this Assembly

* The Sentences of this pretended Assembly were most unlawful, light, and mad Sentences.

† It seems indeed that these reasons are wrapped up in a cloud, for both they are so dark as they cannot be discerned, and they do portend a storm, but have no weight in them at all.
* These particular Protections are the very same formerly made by them, and so often repeated even unto tediousness; and therefore the Reader needeth not to be troubled any more with them.

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(whereof the general and principal Acts are to be published,) are in the self, and should be reputed, and should be reputed, obeyed, and observed, by all the Subjects of this Kingdom, and members of this Kirk, as the Acts, Sentences, Constitutions, Censures and Proceedings of a full and free General Assembly of this Kirk of *Scotland*: And to have all ready Execution, under the Ecclesiastical Pains contained or to be contained therein, and conform thereto in all points, and such like, that whosoever presumeth to utter any undutiful Speech against the same, may be duly Censured and condignly punished.

IV.

We Protest that all and every member of this Reformed Kirk efoldly and faithfully joyn and concur in their severall callings and stations, to advance, further and assist the execution and obedience of the whole Acts of this Assembly, by all means which their ability can afford, as they affect the advancement of Gods glory and the work of Reformation in this Land.

V.

We Protest against all the challenges and aspersions laid upon us in the said Proclamation, and that our whole Answers are not only true in every point, but likewise sufficiently forcible to deliver us from all unjust imputations, and to justify the lawfulness and necessity of our whole proceedings and carriage, which hath been so unreasonably blamed. Likeas by these presents we summond and cite all those of His Majesties Council, or any other, who have procured, consented, subscribed, or ratified this present Proclamation, to be responsible to His Majesty and three Estates of Parliament for their counsel given in this matter, so highly importing His Majesty, and the whole Realm; conform to the 12. Act Parl. 2. King *James 4.* And Protest for remead of Law against them and every one of them.

VI.

We protest that it is, and may be lawful unto us to defend and maintain the Religion, Laws, and Liberties of this Kingdom, the Kings Authority in defence thereof, and every one of us another in that cause, according to our power, vocation, and Covenant, with our best counsel, bodies, lives, means, and whole strength, against all persons whomsoever, and against all external and internal invasions, and that in the obedience and observance of the Acts of this Assembly and National Mother Kirk.

VII.

That whatsoever inconvenients shall fall on't by impeding, molesting, or staying the observance and obedience due to the Acts, Ordinances and Conclusions of this Assembly, or execution to follow thereupon, that the same be not imputed unto us, or any of us in our lawful defence and maintenance thereof, who most ardently desired the concurrence of His Majesties Commissioner to this lawful Assembly, and do yet still with humble vehemency beg His Majesties gracious approbation thereunto, but on the contrary that the Prelats and their adherents, who have protested, and declined this present Assembly, in conscience of their own guiltiness, not daring

daring abide to any legal tryal, and by their mis-information did move the Commissioner his Grace to depart and discharge this Assembly, be esteemed, repute and holden (as they truly are) the disturbers of the Peace, and overthrowers of the Liberties of the Kirk, and guilty of all the evils which shall follow hereupon, and condignly Censured according to the greatness of their faults, and Acts of the Kirk and Realm.

VIII.

We protest that none hereafter subscribe the Covenant formerly subscribed by the Commissioner his Grace in Council, as they will eschew the danger of a contradictory Oath, but that all and every one subscribe the Covenant renewed in *February* last, and that with this sense, meaning, and condition, that they subscribe the same conform to the determination and declaration of this Assembly at *Glasgow* allanerly.

IX.

We protest that as we adhere till all former Protestations and every one of them made in the name of the Noblemen, Barons, Gentlemen, Ministers, and Commons respective for the time, So we may have His Majesties Royal Approbation to this present Assembly, whole Acts and Constitutions thereof, and all our proceedings and behaviour in this business, which we assuredly expect from His Majesties inbred Piety, justice, and bounty, notwithstanding the sinistrous, untrue informations, whispering in His Royal Ears in the contrary.

Upon all which Premises and Protestation foresaid (which is the same with the former made by us at *Glasgow*, the twenty ninth of *November* last, but so far differing as was necessary for Answer to the new additions contained in this Proclamation; and clearing us of the aspersions wherewith we are charged therein, which we might lawfully do, having protested for this liberty in respect of our surprisal) one certain number of all qualities and ranks for themselves, and in name foresaid, asked instruments. This was done in presence of a great confluence of people upon the Mercat-Cross of *Edenburgh*, the Eighteenth day of *December*.

F I N I S.

Revised, according to the ordinance of the General Assembly, by me
Master *Archibald Johnston*, Clerk thereunto.

At *Edenburgh*, 8. Jan. 1639.

The Lord Commissioner seeing all things tending to a Rupture, having obtained His Majesties Licence, took his journey for *England*. After which they imposed the Acts of Assembly by force throughout the Kingdom, levied Forces, imposed Taxes, blocked up His Majesties Castles, raised Fortifications, and seized the Castle of *Edenburgh*: The Ministers taught the People, That there was a necessity of arming against His Majesty under pain of Perjury and Damnation, by Libels they justified their own Rebellion, and incited the *English* to the same Courses. The principal means they used to foment the Rebellion were these.

I. The

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The Positions
of the Cove-
nanters, and
the means
they used to
raise the Re-
bellion.

* The num-
ber of Bishops
in Scotland
being 14.

Manifested by
their selling
him afterward
to the Ax.

† Which was
related to the
Pope who
laughed hear-
tily at it.

* Too true in
Event.

I. The Seditious Prayers and Sermons of some Preachers, who to extol their Covenant and reproach its opposers; delivered such things from the Pulpit as cannot be related without horror. When the Lord Commissioner returned from *England*, one prayed God to deliver them from all crafty compositions. Another refused to pray for Sir *William Nesbet*, late Provost of *Edenburgh* lying upon his death-bed, because he had not taken the Covenant. They would not admit the Non-subscribers to the Communion, nor Baptize their Children by Non-covenanters, calling all such (the Lords of the Council not excepted) Atheists. One Preached, That as Gods Wrath was not attoned till *Sauls* seven Sons were hanged, so Gods Wrath would not leave the Nation till * twice seven Bishops, were hanged up before the Lord. Another, That the Covenant was to be maintained, though there were never so many Acts of Parliament against it. Another said, Let us never give over till we have the King in our Power, and then he shall see how good Subjects we are. Another, That the sharpest War was to be indured rather than the least Error in Doctrine or Discipline. Another wished, That he and all the Bishops were in a bottomless boat at Sea together, for he could be content to lose his life so they might lose theirs. And a thousand such vile, barbarous, and prophane Expressions they used to seduce and enrage the People.

II. The false Reports they raised both in and out of their Pulpits. That the King intended to bring in Popery, or at least to Tolerate it. † That the Service-Book was framed at *Rome*, when it is known to all that by Bull all Catholicks are prohibited to hear it. Others Preached, That * *England* was of their Opinion, and would adhere to them. Thanks were ordered to be given to God for the overthrow of the *Spaniards* by the *Dutch*, and the People assured that all that Preparation was at His Majesties Charge and intended against them. The Lay-Elders also were not backward to instruct, for an Ancient Knight, who at an Election of Commissioners declared, That whoever gave his voice for a moderate man or peaceable Minister, was a betrayer of Christ and His Cause: which was approved by the Tables as a most Heroical Saying.

III. By poysoning the People with damnable and traiterous principles, Some of which here follow.

First, That what Subjects do of their own heads, is much better than what they do in obedience to Authority, the one being constrained, the other voluntary. Which was the fifth Reason of their Protestation. *Sept.* the twenty second, 1638.

Secondly, That the Parliaments Power doth no more extend to the placing Officers originally in the Church, than the Churches Power to make States men in the Common-wealth.

Thirdly, That the Parliament can make no Law at all concerning the Church-Decrees; but only to ratifie them, and that if the Assembly after that prohibit them or any of them, all Subjects are discharged of their Obedience to those Acts of Parliament.

Fourthly, That the Assembly hath power to discharge all subscriptions of the Confession commanded by His Majesty, hereby divesting him of all power Ecclesiastical.

Fifthly, That the Assembly without His Majesty is the Church, and competent Judge of all doubts about the Confession or Explanation of it.

Sixthly, That if the Law be interpreted in a sense disliked by the most of the Kingdom, for whose good the Law was made, they may crave the lawful

lawful redress of those grievances sustained by that Law, because they are the major part. A good Argument for Rebels against all Laws and Government.

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Seventhly, That in Ecclesiastical Affairs the Assembly is Independent both from King and Parliament. A position containing the sense and very words of the Jesuits.

Eighthly, That in all matters determined in the Assembly whether matters of Faith or Government, His Majesty ought to receive them as a Son of the Church, though against Acts of Parliament, and though they concern Secular Affairs. Few Papists have said so much for the Church of Rome, nor any Jesuits more.

Ninthly, That it is lawful for Subjects to make a Covenant and Combination, and to enter into a Band for mutual Defence, not only without, but against the King, and whoever shall oppose them.

Tenthly, That one Assembly may indict another without His Majesties knowledge or consent.

Eleventhly, That Subjects summoned before the King and Council, if the matter concern the Glory of God or the good of the Church, may disobey and appeal to the General Assembly and Parliament.

Twelfthly, That the power of indicting Assemblies is in the King *Cumulative* only, not *Privative*, and if he refuses, it is in them *Suppletive*, to supply that defect; a ridiculous distinction borrowed, by these Enemies of Popery, from the Jesuits: contrary to all Antiquity; for the Emperors always called the Councils, and esteemed that power a special Prerogative of their Crowns, nor was it ever denied to Sovereign Princes, till the Usurping Papacy wrested it from them.

Thirteenthly, That though His Majesty if present, should deny His voice in the Assembly, yet if it pass by most voices He is bound *jure Divino* to see the Conclusion obeyed by all His Subjects, and disobedience is punishable by Excommunication.

Fourteenthly, That an Assembly may abrogate Acts of Parliament, if they any way reflect upon the Concerns of the Church. A Position destructive of the very being of Parliaments.

Fifteenthly, That the Protestations of Subjects against Laws Establish'd doth void all obedience to those Laws. A Position most wild and barbarous, destructive of all Laws, Government and humane Society, yet the constant practice of the Covenanters.

Sixteenthly, That a number of men being the greater part of a Kingdom may because they are so, do any thing which they think conducive to Gods Glory or the good of the Church, against Laws, and Lawful Authority. This they palliate by saying they do it by Authority from the General Assembly, a Court Independent from the King and Parliament. But

I. By what Authority did they Act before an Assembly was Indicted, as the Tables did?

II. Who gave the General Assembly that power of Erecting Tables?

III. This outdoes the Jesuits, in setting the Church above the King, while they make not only Ecclesiasticks, but Lay Ruling-Elders, Rulers over Princes; thus they who deny Bishops votes in Secular Affairs, yet allow Lay-men voices in Ecclesiastical.

IV. Whereas they alledge they meddle only in Ecclesiastical Causes, they do as the Jesuits with their *in ordine ad Spiritualia*, so they *in ordine ad Ecclesiastica*, for the Glory of God, draw all Secular Affairs under their

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The Cove-
nanters mani-
festly guilty of
forgery and
falshood.

The Reasons
forcing His
Majesty to
take Arms.

their Cognifance and Jurisdiction. By this Jefuitical intepretation and stretching the word Ecclesiastical, they provide Arms, feize His Majesties Forts and Castles, raise new ones, levy Souldiers, turn out the Loyal Clergy to beg or starve, and Usurp Regal Authority, for the Glory of God, Christ's Supremacy, and the good of the Kingdom.

To confirm their Party in Rebellion and actual Hostilities, they made use of these three most notorious Falsehoods.

First, That His Majesty intended to invade the Kingdom, that for that purpose he was coming thither with *English* Troops, when in truth it was to secure *England* from the Invasion so often threatned by the Covenanters.

Secondly, That since they had refused His Majesties Gracious Offers, now they could not expect He would perform any of them: driving the People first to Rebell, then to despair of Pardon, and thereby to render all accommodation impossible.

Thirdly, That if they should lay down their Arms, His Majesty would despoil them of their Laws and Liberties, and looking upon them as a Conquered Kingdom, reduce them to the form of a Province, and introduce New Laws and Government. A most devilish suggestion, and which never once entred into His Majesties Royal Breast.

The true Reasons why His Majesty was constrained to make use of Force to repress the Insolencies of His Rebellious Subjects, being because

First, He could not endure that the Usurpations of an Ecclesiastical Assembly should abolish Acts of Parliament; it being destructive of the very foundation of Government by Monarchy: as is evident by the miserable Wars and Devastations in the Christian World, raised upon the very same score, by those who have endeavoured to raise the Ecclesiastical Monarchy of the Papacy, by the Ruin of the Jurisdiction of Emperors and Kings over Ecclesiastical Persons and Causes.

Secondly, To secure the three Estates of Parliament, that one of them might not be destroyed by His Subjects without His and the Consent of the Parliament, as the pretended Assembly went about to do.

Thirdly, To punish, as His Royal Father did, such as durst presume to indict or continue an Assembly without His Authority, and against the known Laws of the Kingdom.

Thirdly, To punish such as have imposed Taxes, levied Men or Arms, raised Forts, seized His Majesties Castles and those of His Subjects, all which are by the Laws of the Kingdom, Acts of High Treason and Rebellion.

Fifthly, To repress the Insolent Protestations of His Subjects against himself His Council, Judges and Laws, the constant practice of the Covenanters.

Sixthly, To punish the Ring-leaders of Rebellion, who have abused His Subjects by imposing upon them a Covenant and mutual Band of Defence, against His Majesties Person, and without His consent contrary to the Laws of the Kingdom.

Seventhly, And principally to punish such as under the name of Tables, or a Committe of the General Assembly shall presume to sit without His consent, to order Affairs of Church or State, refusing when questioned, the Authority of His Majesty, Council or Judges, and appealing to a General Assembly, blasphemously calling it Christs own immediate Council, and claiming a Sovereign Independency from King, Council, Judges and Parliament.

His

His Majesty having taken these just Resolutions to maintain His own and the right of His Successors, and the Liberties of Parliaments doth yet declare.

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~~~~~

I. That He unwillingly takes this Course.

II. That as Gods Vicegerent, in imitation of God as He hath been hitherto flow to Anger, so upon Repentance and Deserting the Heads and Fomenters of the Rebellion, He will be ready to forgive His misled Subjects, desiring only they will return to their Duty and Allegiance.

III. That therefore His Arms are only intended against the obstinate Rebels to bring them to Justice.

IV. That even those if either apprehended or submitting, shall have fair and Legal Tryals according to the Laws of the Kingdom.

V. That he will to the uttermost of His Power protect all such of His Subjects in their Lives and Fortunes as shall adhere to him against the Rebels who have misled his People.

VI. That whoever shall persuade His Subjects that this is a National Quarrel between the two ancient Kingdoms, shall be punished as a disturber of the Peace of both.

To conclude, His Majesty desires the Prayers of all His Loving Subjects for Success, and that He may return in Peace, without the effusion of one drop of blood; requiring all persons especially the Ministers, who should be the Messengers of Peace, to frame the minds and courses of His Subjects to Peace and Obedience, His Majesty resolving to maintain the Religion Established. But if by the obstinacy of some fiery and turbulent Spirits, His Majesty should be obliged to draw the Sword of Justice, He doth Invoke the King of Kings to witness, that He doth it most unwillingly; and if nothing else will serve to compose the difference, the Blood that is shed must rest upon their heads, who have been and are the Fomenters and Maintainers of this Unnatural War.

The prevailing faction of the Covenanters, having thus rendred all His Majesties methods of accommodation fruitless, the sincerity of his intentions suspected, and having possessed themselves of the good opinion of the People, by the specious pretences of Liberty and Reformation, securing Property and extirpating Popery, under which Notion they had drawn in Episcopacy, the Common Prayer and Canons; they proceed with all application to maintain the ground they had gotten upon His Majesty and the Government; and to push forward the successes of their Arts, by those of their Arms. They dispatch Emmissaries to such neighbouring States and Princes, as they hoped might afford them either Countenance or Assistance. They invite home many eminent Commanders of their own Nation, whose military Employ in the service of the *Germans, Sweeds and Netherlands* had made experienced Captains, many also who were Soldiers of Fortune came in to them daily, in expectation of Entertainment in the Service. † Immediately they seize upon the Castles of *Edinburgh, Dunbarton*, and all other places of strength and importance in the Kingdom; and make themselves masters of all the Arms and Ammunition in His Majesties Magazines. They levy Soldiers, form an Army, and make all necessary preparations not only for defence of *Scotland*, but invasion of *England*: \* Over this Army *Alexander Lesly*, an old experienced Captain was appointed General, and the inferior Officers were sworn to obey him in all orders of War, as he was, faithfully to discharge his trust of General. The care of those places adjacent to *Ireland* was committed to the Marquess of *Argyle*, the Earl of *Montross* had the guard of *Aberdeen*,

The proceedings of the Covenanters.

† They seize the King's Forts and Magazines.

\* Lesly made General of the Army. His Cath.



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† The Kings proceedings in order to reduce the Rebels to their Duty.

\* The loyalty of several of the Nobility and Gentry in Contributing to the Northern Expedition.

† A letter from the Privy Council concerning Contributions.

A list of such as contributed.

and the Northern parts, and Collonel *Monroe* was posted upon the borders of *England*.

† His Majesty being also sensible that whatever he should offer in order to a Pacification, was like to meet with the same or ruder entertainment, with which they had treated his former condescensions and compliances, was now resolved to treat with the sword in his hand: and therefore with all diligence raised a considerable Army by the assistance of his loyal Subjects \* the Nobility, Gentry, and Commons of *England*, of whose readiness to assist their Sovereign with their Persons and Fortunes against his Rebellious Subjects, to their eternal honour, the following Lists will be a testimonial.

† A List of Contributions to His Majesties expedition against the *Scots*, with the letter from the Privy Council concerning it.

After our hearty Commendations, &c.

**T**HE King is gone in Person with an Army to resist the dangerous Rebellion in Scotland, that threatens the Peace and Safety of this Kingdom. All the Nobility, and many other Persons of Quality, do readily and dutifully assist him, some in their Persons, and others with considerable Sums of Money; whereof we hereby give you notice, that you may also lay hold on this occasion, to express your Fidelity and good Affection; and you shall do very well forthwith to signify your Resolution to this Board, from whence His Majesty shall understand the same. And so we bid you heartily farewell.

| Counties.    | Persons.                | Sums paid. |    |    |
|--------------|-------------------------|------------|----|----|
| Berks.       | Sir George Willmot      | 50         | 00 | 00 |
| Dorset.      | John Freak, Esq;        | 50         | 00 | 00 |
| Devon.       | James Welsh, Esq;       | 10         | 00 | 00 |
| London.      | Sir Matthew Lister      | 20         | 00 | 00 |
| Southampton. | { Sir Francis Dowse     | 20         | 00 | 00 |
|              | { Richard Whithead Esq; | 20         | 00 | 00 |
|              | { Sir Henry Clark       | 40         | 00 | 00 |
|              | { John Doddington Esq;  | 50         | 00 | 00 |
|              | { Thomas Neal Esq;      | 20         | 00 | 00 |
| Somerset.    | { John Coventry Esq;    | 100        | 00 | 00 |
|              | { John Luterel Esq;     | 100        | 00 | 00 |
|              | { Sir John Stewel       | 100        | 00 | 00 |
| Surrey.      | { Sir Nicholas Carew    | 20         | 00 | 00 |
|              | { Sir Richard Onslow    | 20         | 00 | 00 |
|              | { Richard Evelin        | 20         | 00 | 00 |
|              | { Sir Thomas Grimes Esq | 20         | 00 | 00 |
| Wilts.       | { Sir William Calley    | 50         | 00 | 00 |
|              | { John Toppe Esq;       | 20         | 00 | 00 |
|              | { Thomas Bond Esq;      | 40         | 00 | 00 |
|              |                         | 770        | 00 | 00 |

Coun-



| Counties.    | Persons.                                                | Sums promised. |          |    | 1 6 3 9. |
|--------------|---------------------------------------------------------|----------------|----------|----|----------|
| Berks.       | § Sir Humphrey Foster                                   | 100            | 00       | 00 |          |
|              | § Sir Francis Pile                                      | 100            | 00       | 00 |          |
| Cornwal.     | Mr. Francis Bassett                                     | 00             | 00       | 00 |          |
|              | { Mr. Arthur Bassett                                    | 10             | 00       | 00 |          |
| Devon.       | { Sir John Chichester                                   | 20             | 00       | 00 |          |
|              | { Sir Henry Wallrond                                    | 20             | 00       | 00 |          |
|              | { Sir Sampson Heley                                     | 20             | 00       | 00 |          |
| Dorset.      | Henry Hastings Esq;                                     | 50             | 00       | 00 |          |
|              | { Doctor Clarke                                         | 10             | 00       | 00 |          |
|              | { Doctor Meverel                                        | 10             | 00       | 00 |          |
| London.      | { Dr. Sim. Fox will give to this as to<br>the Shipping. |                |          |    |          |
|              | Dr. Chambers                                            | 00             | 00       | 00 |          |
| Middlesex.   | § Sir William Balfore                                   | 30             | 00       | 00 |          |
|              | § Mr. Fra. Poulton                                      | 20             | 00       | 00 |          |
| Somerset.    | § Sir Hen. Berkeley                                     | 05             | Subsidy. |    |          |
|              | § Sir Edw. Berkeley                                     | 20             | 00       | 00 |          |
| Southampton. | § Mr. Tho. Coteal                                       | 60             | 00       | 00 |          |
|              | § Sir Rob. Dillington                                   | 30             | 00       | 00 |          |
| Suffex.      | § Ralph Cooper Esq;                                     | 20             | 00       | 00 |          |
|              | § Hen. Goring Esq;                                      | 10             | 00       | 00 |          |
| Wilts.       | Lord Gorges                                             | 100            | 00       | 00 |          |
| Total—       |                                                         | 620            | 00       | 00 |          |

\* Some there were who excused themselves as having contributed another way, whose names follow,

\* A List of such as excused themselves.

Berkshire.

Devon.

Sir Fran. Knowles  
Mr. John Fet tiplace  
Mr. John Parker  
Mr. William Lenthall  
Mr. Tanfield Vachell  
Mr. Hen. Poole  
Mr. Dolman  
Mr. Hen. Martin

Sir Fra. Vincent  
Sir George Chudley  
Sir Lewis Pollard  
Sir John Poole  
Sir Nich. Martin

partford.

Cornwal.

Sir Richard Vivian

Sir Rich. Lucy Knight & Baronet  
Sir John Cæsar  
Sir William Litton  
Arthur Capell  
Fra. Tavernour Esq;  
William Lemon

Dorset.

Mr. Rich. Rogers



1639.

**Southampton.**

Sir John Oglander  
Mr. Edw. Pitt  
Sir Tho. Bison  
Sir Tho. Jervois

**Somerset.**

Sir Edw. Rodney  
Sir Will. Walrond  
Mr. Will. Basset  
Sir Charles Berkely

**Surrey.**

Sir Charles Howard Knight,  
Captain of Upnor  
Sir John Litcott  
William Muschamp Esq;

**Wilts.**

Sir Edw. Bainton.  
Sir John Evelin  
Mr. Serjeant Glawvile  
John Penruddock Esq;

**Middlesex.**

Inigo Jones Esq;  
John Hawtre Esq;

**London. Medici.**

Sir Theod. Mayerne  
Dr. Argent  
Dr. Tournier  
Dr. Winston  
Dr. Oxenbridge

A List of  
those who  
did not con-  
tribute.

And however pressing the Emergency was, and how generous the occasion of manifesting their Loyalty, yet the letters from the Council returned empty handed, from others whose names I find were these, if a late Collector hath not done them injury.

**Berkshire.**

Sir Edw. Tates  
Sir Rich. Harrison  
Sir John Bachus  
Sir Thomas Read  
Sir John Stonehouse  
Sir Henry Lamborne  
Mr. Dunch  
Mr. Standen, Mort.  
Mr. Geo. Palsfrey  
Mr. Lawrence Halstead  
Mr. John Askcomb

**Cornwal.**

Sir Reynold Mohun  
Sir John Trelawney  
Sir Rich. Edgecombe  
Sir Rich. Buller  
Mr. Charles Trevanion  
Mr. William Coriton  
Mr. Rich. Erisey  
Mr. John Trefuses

Mr. Nich. Trefuses  
Mr. Godolphin  
Mr. Noy  
Mr. Tho. Gawen  
Mr. John Roe  
Mr. Hugh Boscowen  
Mr. Edw. Cosworth  
Mr. Amb. Manington

**Devon.**

Sir Tho. Drew  
Sir Geo. Southcott  
Sir Edward Juell  
Sir John Specott  
Sir Hen. Roswell  
M. Henly of the K's Ben.  
Mr. Sainthill  
Sir Sam. Rolls  
Sir Rich. Revel  
Mr. John David  
Mr. Barth. Berry



**Dorset.**

Sir Geo. Norton  
 Sir Fra. Fulford  
 Sir Tho. Trenchard  
 Sir John Croke  
 Sir John Brane  
 Sir John Strode  
 Sir John Strangeways  
 Mr. Denzil Hollis  
 Mr. Hen. Drake  
 Mr. Gerard Napier  
 Mr. William Cook  
 Mr. Roger Gallop  
 Mr. Hubbert Hussey  
 Mr. Tregonnell  
 Mr. Walter Earl  
 Sir Peter Prideaux  
 Sir Edward Seimore  
 Sir Tho. Hele  
 Sir Gregory Norton  
 Sir Tho. Prideaux

Sir Thomas Lake  
 Sir Henry Spiller  
 Sir William Parkhurst  
 Sir Edward Carre  
 Cornelius Holland  
 Captain Peirce  
 Sir John Heydon  
 John Huxly Esq;  
 George Long Esq;  
 Thomas Marsh Esq;  
 Edward Nowell Esq;  
 Edward Roberts Esq;  
 Sir Charles Pliddall  
 Sir Robert Parkhurst  
 John Denham  
 Paynings Moore  
 John Fowles  
 Nicholas Stoughton  
 Thomas Bennet  
 John Combes  
 John Evelin

**Southampton.**

**Hartford.**

Sir John Watts  
 Sir Edward Alford  
 Henry Anderson  
 John Gulston  
 Arthur Poulter  
 John Gore  
 John Harrison  
 William Prisley  
 Ralph Sadler

Sir John Boteler  
 Sir John Jennings  
 Sir Thomas Blunt  
 Sir Rober Chester  
 Sir Thomas Dacres  
 Sir Henry Wallop  
 Sir John Mills  
 Sir Richard Morron  
 Sir William Lewis  
 Sir Edward Dennis  
 Sir Thomas Hook  
 Sir ———Worsley, Bar.  
 Capt. Bad  
 Mr. Hunt  
 Mr. Jephson  
 Sir Edward Banister  
 Robert Wallop Esq;  
 Mr. Henry Sands  
 Sir William Waller

**London Medici.**

Dr. Moore  
 Sir Simon Baskerville  
 Dr. Floud  
 Dr. Chamberline  
 Dr. Reade  
 Dr. Chaddiman  
 Dr. Gifford  
 Dr. Wright

**Somerset.**

**Middlesex.**

Sir Edward Spencer  
 Sir Thomas Fowler  
 Sir Robert Coke  
 Sir John Frankline

Sir William Portman  
 Sir John Windham  
 Sir John Horner  
 Sir Fra. Doddington  
 Mr. John Sims  
 Mr. Abraham Burrel  
 Mr. Thomas Smith  
 Mr. Hodges



1, 6 3 9.

Mr. Hodges  
 Sir Robert Gorge  
 Sir Fra. Baker  
 Sir Jo. Mallet  
 Mr. Anth. Socker  
 Sir Ralph Hopton

**Surrey.**

Sir Ambrose Browne  
 Sir John James  
 Sir Fra. Howard  
 Sir Fra. Stidolph  
 Sir John Lenthall  
 Sir John Howland  
 Sir Thomas Evelin  
 Sir William Elliot

**Suffex.**

Sir Henry Compton  
 Sir Tho. Pelham  
 Sir William Goring  
 Sir Thomas Sackville  
 Sir John Leeds  
 William Foord  
 Sir John Parker  
 Thomas Chowne Esq;  
 Geo, Carthop Esq;

Walter Bartlet Esq;  
 Anth. Stapley Esq;  
 James Rivers Esq;  
 Anthony Fowle Esq;  
 William White Esq;  
 James Baker Esq;  
 Harbret Hay Esq;  
 Sir Edw. Bishop

**Wilts.**

Sir Laurence Hide  
 Sir George Eglish  
 Rob. Drew Esq;  
 ——— Grub Esq;  
 Sir Hen. Ludlow.  
 Sir Tho. Thin. Mort.  
 Mr. Grobham  
 Sir Fra. Seimor  
 Sir John St. John  
 Sir Edw. Hungerford  
 Sir Nevil Pool  
 Sir John Danvers  
 Sir Walter Smith  
 Sir Fra. Popham  
 Sir William Button  
 Sir John Earnly  
 Sir Giles Escourt  
 Sir Walter Vaughan

\* A List of the  
 Army raised  
 against the  
 Scottish Co-  
 venanters.

\* The Army was certainly composed of the Flower of the English-Nation, the Officers being persons of the Eminent Nobility and principal Gentry, as this following List will manifest.

|                                                                     |                                                                                                                                                                   |       |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Lord General,                                                       | The four old Regiments, with their Officers, over and above the Officers General of the Field, and the Officers of the Lord General's Train, containing in number | Foot. |
| Earl of Essex,                                                      |                                                                                                                                                                   |       |
| Earl of Newport,                                                    |                                                                                                                                                                   |       |
| Sir Jacob Ashley,                                                   |                                                                                                                                                                   |       |
| Sir William Savile's Regiment, containing in Officers and Souldiers |                                                                                                                                                                   | 886   |
| Sir Henry Vane's Regiment                                           |                                                                                                                                                                   | 1099  |
| The Lord Willoughby's Regiment                                      |                                                                                                                                                                   | 807   |
| Sir William Penniman's Regiment                                     |                                                                                                                                                                   | 1070  |
| Colonel Hamond's Regiment                                           |                                                                                                                                                                   | 1007  |
| Sir Thomas Morton's Regiment                                        |                                                                                                                                                                   | 1637  |
| Sir Simon Harcourt's Regiment                                       |                                                                                                                                                                   | 1637  |
| Sir John Hotkam's Regiment                                          |                                                                                                                                                                   | 867   |
| Sir Thomas Metham's Regiment                                        |                                                                                                                                                                   | 867   |

Mr. Henry



|                                         |      |          |
|-----------------------------------------|------|----------|
| Mr. Henry Percy's Regiment              | 867  | 1 6 3 9. |
| The Lord Fairfax's Regiment at Carlisle | 1300 |          |
| Captain Masgrave's Company              | 160  |          |
| Captain Hudlestone's Company            | 110  |          |
| Lord Barimore's Regiment                | 1300 |          |

*In toto* 19614

Besides the Foot-Companies under the Lord Marquess *Hamilton*,  
and the two Garrisons at *Berwick* and *Carlisle*.

The Charge of the Train of Artillery in four months, did amount to  
5800 l.

A List of the Troops of Horse, and Companies of Dragoons, which  
served His Majesty in this Expedition into the Northern Parts,  
*Anno Dom. 1639. (viz. )*

*The Officers General of the Troops.*

|                                                                          | <i>Horse.</i> |
|--------------------------------------------------------------------------|---------------|
| The General of the Horse his Troop of                                    | 100           |
| The Earl Marshal's Troop, containing                                     | 100           |
| The Earl of <i>Essex</i> his Troop, containing                           | 100           |
| The Earl of <i>Newport's</i> Troop                                       | 100           |
| The Lieutenant General <i>Goring's</i> Troop                             | 100           |
| The Commissary-General <i>Wilmot's</i> Troop                             | 100           |
| The Lord Vicount <i>Grandison's</i> Troop                                | 100           |
| The Lord <i>Wentworth's</i> Troop                                        | 100           |
| The Lord <i>Clifford's</i> Troop                                         | 100           |
| The Earl of <i>Newcastle's</i> Troop not paid by His Majesty             | 100           |
| The Lord <i>Dungarvan's</i> Troop                                        | 100           |
| Sir <i>John Sucklin's</i> Troop                                          | 100           |
| Six Troops under the Command of the Lord <i>Chamberlain</i> , containing | 600           |

*Dragoons.*

|                                                                                   |     |
|-----------------------------------------------------------------------------------|-----|
| Six Companies under the Command of Colonel <i>Francis Traffor</i> ,<br>containing | 600 |
| Captain <i>Widdrington's</i> Troop                                                | 120 |
| Captain <i>Douglass's</i> Troop                                                   | 100 |
| Captain <i>Charlton's</i> Troop                                                   | 50  |
| Captain <i>Elliot's</i> Troop                                                     | 100 |
| Sir <i>William Lambton's</i> Troop, <i>Duresme</i>                                | 100 |
| Sir <i>Thomas Fairfax's</i> Troop                                                 | 160 |
| Captain <i>Butler's</i> Troop                                                     | 130 |
| Mr. <i>Henry Pierce's</i> Troop                                                   | 100 |

Sum of the Horse 3260

A Con-



1639.

† A Fleet set to Sea under the Marquess Hamilton.

\* The Lord Deputy of Ireland vigorous in promoting the Kings Interest against the Covenanters.

† A considerable Fleet was also rigg'd and put to Sea under the Command of the Marquess *Hamilton*, on Board of which were 5000 land Soldiers commanded by *Byron*, *Morton* and *Harcourt*, in order to attempt the regaining of *Edenburgh*, *Leith*, or what other places of importance he could.

That great Minister and most loyal Subject the Earl of *Strafford* was not wanting either in diligence, or modest Counsel to promote His Majesties interest in this occasion, but provided Men, Money and Shipping in *Ireland*. in order to the reducing the Rebellious Covenanters to their Duty and Allegiance: for which he became the object of their implacable Hatred, and paid no less price than one of the wisest heads of Europe to them, and the prevailing faction of their Brethren of *England*, as in the sequel of this History will appear. That the Historical part of these Papers may be managed with less interruption; I crave leave to insert his Letters to His Majesty upon this occasion as they fall in with the several procedures.

### The Earl of *Straffords* Letter to the King.

May it please your Sacred Majesty,

**M**<sup>T</sup> last humbly presented your Majesty an account of putting five hundred Men aboard the day appointed, and by this time I trust they have attained their Port.

This Letter is occasioned by another received from Mr. Secretary *Windebank*, and bear date the 23. of March. In this I find much for me to do, and something wherein to consult your Majesties clearer direction, lest I tread awry, or at least beside your Royal intentions. Those fully understood in these, as in all other, I shall execute to my uttermost best.

Here inclosed is the Duplicate of my letter to my Lord of *Antrim*; wherein I have to my Judgment complied with that, which in relation to his Lordship was appointed for me; to which only I have been bold to add unexpectance of my going down into that Province, howbeit not intending it, unless otherwise commanded, or upon some more pressing occasion than God be praised yet appears.

The reason why I went so far, in regard I did believe the rumour of my coming so near him, would not amuse the Earl of *Argile* the less, or invite him sooner out of his own Countrey. Your Majesties Pinnace, the Confidence, is gone with the Regiment to *St. Bees*, to see your Men safely landed, together with another smaller Pinnace of *Sir George Radcliffs* and mine; they have both order to return hither with all diligence, only your Majesties Pinnace is to attend at *Beaumorris* the transportation of Mr. Serjeant *Whitfield*, and Mr. *Fotherby*, as was appointed for her, by direction sent me hither by Mr. Secretary.

Against their return, Victuals shall be prepared for them, and putting forty Men upon our Pinnace, which carries five Saker, I will forthwith dispatch them for the North-East of *Ireland*, to beat it to and fro about the Head of *Cantire* and *Dunbarton-Frith*.

These two will, I am confident, be Masters of all the Scottish Bottoms trading upon *Air*, *Erwin*, and *Dunbarton*; yet to leave all out of question, I shall in all diligence call Capt. *Owen* up hither with the Whelp, and direct him after them.

Mr. Se-



Mr. Secretary Windebank signifies your Majesties allowance, that if occasion offer, they may land and take what they can get from any Towns upon that Coast. I humbly desire, whether you will admit us to take as many of their Barks at Sea as we can meet with; which doubtless will be much more easily, and safely done, especially to destroy the Earl of Argile's Long-boats, prepar'd as well to annoy us by some sudden Incurfion, as to secure himself; I confess, where the greater is granted, it may reasonably be thought the less is implied.

But in a Business of such weight, I love not to take my Lesson without Book, and therefore most humbly crave your Majesties Directions, express under your own hands, in case it may seem so good unto your Majesty: Let me but clearly know what I am to do, and if I neglect my Duty in the Execution, let not only the Shame, but the Punishment light deservedly upon me.

I have already sent out my Directions to all the Troops and Companies garriſoned in Ulster, requiriag them to be ready to march out at five days, to such Rendezvous as shall be appointed for them; and I will presently send unto the Foot their proportion of Musquets, in regard their Old are not so good as they should be, so as there will be 300 Men ready for the Relief of Dunbarton-Castle, or any other Service your Majesty may think fit to command them.

It doth not appear to me how your Majesties Pleasure is those Men should be paid, and Victualled; but if your Majesty have not otherwise thought of it, upon your Majesties Warrant, I will forth of this Revenue take order for both, without further trouble to your Majesties Coffers, or Ministers on that side.

The fittest Person here to command them, as I think, will be Sir Robert Steward, I take his Affections to be good, and that he hath a better Stake here among us, than he is like to get in Scotland: Howbeit it befits me to consult your Majesties Wisdom herein, and do as that shall ordain for me. Besides his knowledge of the Countrey should, methinks, fit him better for the Service.

Lastly, It was writ me from good hands out of England, That it was thought there your Majesty intends to go to Edenburgh, and to be present at their Parliament in Person. Sir, the reading of it went as cold to my Heart as Lead; and the Consequences of such an assurance, fright me to think of them.

But, I trust, God is not so angry with us, as to suffer your Majesty to be led into such apparent Danger, or by any perswasion, to consent the trusting of so precious a Jewel in the custody of such, as (to my understanding) are so great strangers to Honour, or Morality.

Besides, if there were any such purpose, the publishing your Majesties late Royal and Righteous Proclamation, manifesting your just Censure of those Disorders, and those late Directions to provoke them, and exasperating the Humour, by falling thus upon them with your Shipping on the North-west of Scotland, were, to my apprehension, to fight against your Self. Therefore, I beseech you, admit me, howbeit the meanest, yet as faithful a Servant as any, to deprecate this Evil by all means.

For, as to my poor Judgment, your Majesty hath no more to do this Summer, but to secure Berwick and Carlisle by strong Garisons; to exercise your Army in the knowledge of their Arms; prevent their Incurfion into your Kingdom of England, and by all means to avoid Fighting this Tear.



1639.

*Thus much effected, will prove an excellent Work, as well in Judgment as in Consequence; and by the Blessing of Almighty God, infallibly bend those Rebels to your Princely Will within a Year or two at most. God long preserve your Majesty,*

Dublin, April 1.

*Your Majesties*

1639.

*most faithful, most humble**Subject and Servant,*

WENTWORTH.

The King  
marches  
Northwards,  
and came to  
York.

At the Head of this gallant Army the King marched North-wards, and in April Arrived at the City of York, from whence he writ this Letter to the Marquess Hamilton, whom he had left at Whitehall to take care of the Naval preparations.

HAMILTON,

**I** Received yours but this Morning, to which before I Answer, I must tell you News. First, That Sir Jacob Ashley has possessed Berwick with a thousand Foot and sixty Horse, and Carlisle is likewise possessed by my Lord Clifford with three hundred Men. Secondly, I have commanded Traquair to keep his Chamber; until he give me an account how he left Dalkeith without striking one stroak, and before any Cannon was brought before it, having left the Ammunition (not destroyed) to their Reverence, and likewise the Regalia: Of this more by the next.

Now for Answer, I have given the Proclamation to be written by the Clerk, with the General Oath, both which you shall have with all speed. For your Military Oath, I like it extream well, as likewise your Opinion for detaining the Patents of Honour untill the Countrey be settled.

York, April 2. 1639.

The same day the Lord Deputy of Ireland writ to His Majesty concerning the Employing the Irish Shipping, as followeth.

May it please your Sacred Majesty,

**M**<sup>T</sup> thoughts of this last Night, and this Mornings perusal of what I wrote Testerday, moved me humbly to crave leave to express my self something more fully concerning that which I have in charge.

Mr.



*Mr. Secretary Windebank signifies your Pleasure, to have the Ships of the North-West of Scotland by the sixteenth or twentieth of this month.*

1639  
~~~~~

This circumstance of time we shall, I trust, be able to comply with, or very near it, God sending us the Winds favourable.

Next he writes, these upon the place, if they commit any spoil, or any other Act of Hostility, your Majesty will not dislike it.

Now before I come to the Time of the Execution, I beseech your Majesty take into consideration what the Advantage or Disadvantage may be to your other Affairs, to begin with them so early on this side.

The Advantages to my seeming are very small; the taking perchance of some inconsiderable Prey, some disquiet to the Covenanters, indeed so small, as shall rather serve to awaken them at Home, than divert them from assisting others of that Covenant elsewhere.

And as for the considerable Service it self to be done on that Coast, to wit, the taking and destroying of their Shipping; that is to be done as well, if not better, towards August than now.

On the other side, the Disadvantages are, to my apprehension, great and many.

If the War were with a Forein Enemy, I should like well to have the first Blow; but being with your Majesties own natural (howbeit Rebellious) Subjects, it seems to me a tender point to draw Blood first; For till it came to that, all hope is not lost of Reconciliation; and I would not have them, with the least colour impute it to your Majesty to have put all to extremity, till their own more than words enforce you to it.

It might provoke them to assault some part of England, at least to hinder the putting in of Men and Ammunition into Barwick and Carlisle, which as yet they have no colour for, but falls flat upon them as an open and inexcusable Rebellion, which shall to the World justifie your Majesty as compelled, not only to take, but to use and turn your just Arms against them.

It will hasten upon Marquess Huntley, and the rest of your Majesties Party there, and open a general Force, before they be so well set, I trust, both to defend themselves, and offend others, as hereafter they may be.

It shall precipitate the War sooner upon England, than in present were to be wished; and rendring the Covenanters despairing of your Majesties Grace, thrust them consequently upon desperate Counsels, wherein they are the more to be apprehended, by how much less they have to lose.

Considering therefore, that the securing of Berwick and Carlisle, are the Pledges, under God's Goodness of your Majesties prosperous Success: Methinks nothing should be done to provoke them till that were done: That it would be expected and tried for this Summer, whether their Fury might spend away upon it self, before your Majesty were compellable to dislemper the Trade of your three Kingdoms, by falling thus upon their Shipping and Coast.

My most humble Opinion is, That the present employment for those Ships, should be only to move up and down on the North-West of Scotland, rather for securing, and encouraging the good Subjects on this side, than to attempt any thing of force against them, when our Gains to be expected by the contrary way are so small, but the Prejudices that may thereby fall upon your Majesties Affairs so important and many: At least not to begin any Act of Hostility till August, for by that time the Season of the Year will secure both Kingdoms from an Invasion till the next Spring, by which time, I trust, we shall on all hands be readier to receive them than now I fear we are.

1639.



But now, Sir, I have done, and command what you please, in full assurance, to be as perfectly and chearfully obeyed by me; as by any Soul living. God long preserve your Majesty.

Your Majesties

Dublin, April 2.

1639.

most faithful, most humble

Subject, and Servant,

WENTWORTH.

I most humbly beseech your Majesties Direction, what we should do with the Mariners, or others of better Quality, we may chance to take Prisoners, in case your Majesty will have us to use present Force against their Persons and Goods.

His Majesty during His stay at *Tore*, having confined the Earls of *Traquair* and *Roxborough*, was pleased in a few days to release them, the Earl of *Traquair* having presented His Majesty with this following Vindication of himself concerning the Surrender of *Dalkeith*, where the *Regalia* were used to be kept, of which mention is made in His Majesties Letter to the Marquess *Hamilton*.

The Earl of Traquair's Relation of the Surrender of Dalkeith to the Covenanters, delivered to His Majesty at York, in April, 1639.

‘ **A**T my last being at Court, amongst other Directions, your Majesty was pleased to give me order for drawing of Proclamations to be sent from this State, and for drawing of Commissions of Lieutenancy; concerning which, and some other Particulars then spoken of with the Marquess of *Hamilton*, your Majesty did require Sir *Lewis Steward* to repair to *Tork*. Your Majesties Will likewise was, That some present Course should be thought upon for lifting of some Soldiers in *Scotland*, both of Foot and Horse; and to that effect did resolve, That all the Noblemen who were then at Court, should presently repair to *Scotland*, and that there might be some ready way for entertainment of those Soldiers your Majesty allowed me. Besides the Supply of Money which was to come from *England*, to coin all the Plate that was in the Abby, and withal to provide in store in *Dalkeith* all the Victual I could, which place I was hopeful might be sensible against suddain Invasion, where there were no Cannon.

‘ With these and other Directions I went home, and I believe your Majesties Self, nor yet those Noblemen who were privy to my Instructions, did apprehend any thing of that which I found at my return.

‘ After I came to *Dalkeith*, the next Morning I went towards *Edenburgh*, where by the way, I was advertised by a Friend, That as I loved my own Self, I would not go to *Edenburgh*, for the Covenanting Rabble had resolved, upon my first appearance there, to make me fast: This

‘ coming

‘ coming from a sure hand, made me so far change my Resolution, as instead of going directly to *Edenburgh*, I went to *Haly-Rood-House*, and about twelve of the Clock, advertised such of the Council as were in Town, to meet at the ordinary place of meeting in the *Tolbooth* of *Edenburgh*: But Sir *John Hamilton*, and some others of the Council, being acquainted with my return, came to me, and dissuaded me altogether from thinking to enter *Edenburgh*, because the People (say they) are mightily incensed against me, and are all in Arms, and this day are to besiege the Castle.

‘ And that same day advertisement came to me to retire; and the next was the sound of the Petard, which was soon after seconded by the noise of the Peoples Acclamations, upon the intaking of the Castle of *Edenburgh*.

‘ Hereupon I returned back and came to *Dalkeith* about eight of the Clock at night, and with me Colonel *Machefon*, and took his Opinion concerning the Fortifying of *Dalkeith*; who said, it might in a short time be made sensible against a sudden Assault, but not against Canon; and considering that they were all Covenanters round about, it was not Tenable.

‘ I was presently advertised of the Resolution taken at their Table, both for apprehending of my Person, and taking in *Dalkeith* the next day; my care was to have stollen away, and so have saved the Powder and Muskets that were in the House; which I endeavoured, and most of it was moved to several Places, as I could think most fitting. And before twelve a Clock at Night had gotten the most part of all put away; about which time, according to their former Resolution, there came towards *Dalkeith* betwixt three and fourscore Horsemen: And as I was returning from helping away some of the Powder, I had fallen into their hands, if through the darkness of the Night I had not eschewed amongst the Houses of the Town.

‘ The next morning as I came back to the House, the Covenanters sent two of their number to me, desiring that some of the Lords might speak with me; and being thus surprized, beyond expectation, I being no Soldier, nor expert in Military Capitulations, and being in this, as in every thing else, since the Marquess went from *Scotland*, left alone, without the help either of Countenance or Advice of any; few or none daring so much as appear to give Advice in any thing might seem against these Covenanters, nor none so busie both publickly and privately to countenance them, and all their Actions, and flatter them by their Discourses, as those who are most busie at this time to inform against me.

‘ At our first meeting, the Earl of *Rothes*, in the Name of the rest, began to represent to me the Reasons of their Procedures; where presently I interrupted him, and desired him to spare his pains, for I intended not to hear or hearken to any such purpose. His next was, Whether I would not willingly deliver up the House of *Dalkeith* to them. I told him, if it were a House sensible against Power or Force, they durst not offer to take it from me. They had now surprized me, and their own Folly would in the end surprise them, but I would keep the Gates fast, and if they durst presume to make them open in any violent way, I hoped ere long they should be made answer for this, and more. But withal I told them, That the *Crown* and the *Scepter* lay there, wherewith if they should presume to meddle in any place where it was, it was more than ever Subject did, or could be answerable for. It was scornfully answered, That *Dalkeith* was not a Place good enough for such Things, and therefore they would

1639.

would carry them to the Castle of *Edenburgh*, where they should be more carefully kept than they could be there. Hereupon I charged them, under all highest pains of *Treason*, not to dare to meddle with the *Crown*, *Scepter*, or *Sword*.

As I was offering to retire, *Rothes* again urged one word more, which was, to require me, as he said he had done all the rest of the Subjects whom they could meet with, to declare my self, Whether I would come against my Religion and Native Country. My Answer was, I intended to make no Answer to such Propositions: But as I hoped never to be required to come against either, so I was most confident that when-ever my Master should shew himself, I and with me, many honest *Scots* Hearts would themselves to vindicate His Sufferings, and curb their Insolencies. To this *Rothes* and *Balmerino*, as I remember, both replied at one time, That if I did declare my self in that manner, they would discharge with me, and thereafter I was to look to my self.

Whereupon they, with four Companies of Musquetiers, (to one whereof Sir *John Hay's* Sisters Son, as I am informed, was Captain) conducted by *Coloney Munro*, and 500 Horsemen, (amongst which was Colonel *Hamilton*) went to the House, and finding the Gates shut, required my under-Keeper to make open Gates; which he, according to the direction given him refusing, charging them of new, under all pains of *Treason*, to retire from the Gates, and not offer any violence to His Majesties House: All this was done to make their Fault and Insolency appear the greater. Whereupon they scornfully answered, That the fear of all such Charges were long ago past, and with that put the Ladders to the Walls where the Stables are; and having climbed over the same, came to the Inner Gate of the House, which they forced likewise, and so entred, and in great Joy and Triumph seized the *Regalia*, *Crown*, *Scepter*, and *Sword*, and carried them away with all the reverence they could show, and placed them in *Edenburgh*-Castle.

Dunbarton
taken by the
Scots.

Not long after came Advice that the Castle of *Dunbarton*, a place of great strength and importance for landing the *Irish* Forces was taken by the Covenanters, upon which the Lord Deputy writ this ensuing Letter of Advice to His Majesty.

May it please your Sacred Majesty,

Lord Deputy
Wentworth's
Letter to the
King concern-
ing Dunbarton
Castle.

SIR George Radcliff being to repair thither for a few Weeks, to settle the Payment for the Regiment sent hence to Carlisle, and some other private Matters concerning our selves, will attend your Majesty at York, and dispatch thither such Commands as you shall vouchsafe to honour me with, therefore I crave Directions in some Particulars, lest when they happen, your Service may suffer for want of clear, and good Instructions aforehand.

In case any Scottish refuse to take the Oath of Abjuration: What is your Pleasure we should do with them? Shall we Lege Taliones here, as there, Imprison the Parties Delinquent? Seize their Lands and Holdings to your Majesty for the use of the Publick?

Whether a Proclamation might not be had, to Command Home to their Dwellings, the Scottish that have Possessions in this Kingdom? and if they refuse, in like manner to seize their Estates; as it seems those Lordly Covenanters

nanters serve your true Subjects there : such of that Nation, I mean, as are now residing, and of the rebellious Covenant.

1639

Whether it be your Pleasure, that your Ships at Sea take as many Scottish Vessels as they meet with ? And how your Majesty appoints us to dispose of those Ships, their Men and Ladings ?

Whether it were not good to keep as many of their Masters of Ships, as we shall take, the more to disable them at Sea, and we to have use of them as Pilots, in case there be occasion of Service on their Coast ?

The Earl of Argyle hath in Cantire twenty Boats for Transportation of Men ; Whether your Majesties Ships shall endeavour to take, or burn them ?

Whether it be your Pleasure to cut off in present all Commerce betwixt the two Kingdoms, the Degrees and Cautions your Majesty shall ordain for us to observe therein ?

Your Majesties Castle of Dunbarton, was extreamly ill lost, in my opinion of greater Consequence by far (all duly considered) than the Castle of Edinburgh ; therefore much more happy, had it been better secur'd, which by your Shipping might hence have been easily effected, had your Majesties desire thereof been early understood by us on this side : for by this means, in case Lesley prevail against Marquess Huntley, and the Town of Aberdeen, as the Report goes he hath, there is nothing left behind to stay them from breaking down into England this Summer, which is the only Danger I apprehend in the Business.

Hence it is that I could wish no Hostile Act had been done upon them this Summer, whereby to provoke, or give pretence to such an Invasive Insolence ; and that the stop of their Shipping had been respited till toward the beginning of September at least, and then, by the concurrence of your Ministers on both sides, executed on one day through both Kingdoms.

But now looking upon things as they are, I do most humbly, and earnestly beseech your Majesty to Command, that Barwick and Carlisle be fortified in all Diligence, very powerful Garrisons put into them, as well Horse as Foot, fill'd with all manner of Ammunition, and Stores ; Persons of Experience and Industry deputed to the Government of them ; by all means possibly to advance the Number of your Majesties Horse, which alone, with these two Towns at the Back of the Rebels, will secure us from an Invasion this Tear, and to set a resolution to spend the Summer in Disciplining your Men, accustoming both Officer and Souldier to understand, and do their several Duties, and not in any wise to hazard a Battel for the present ; which by God's Blessing may infallibly be avoided, by strongly and commodiously intrenching your Army in some place of Advantage, so as it may secure New-castle, and have both the Town and Sea to Friend for all uses. And this I mention the rather, in regard Sir Francis Willoughby writes me Word, he finds in the place, where he is, much unreadiness in all things belonging to a War.

In this noble and safe Posture your Majesty may look upon their Madnes, without opposing, till the strength of that Torrent be past : that gone, perchance God may yet give them the Grace to see their Sin, Repent, and make Satisfaction, which of all other were most to be desired : but if otherwise their Hearts be disposed to mischief themselves (I trust) only, not the rest of your Innocent and Loyal Subjects. The Winter comes on, gives time for new Counsels, which if it come to that extremity must be thorowly and narrowly intended, indeed on all hands ; Monies, and all other means, both of Defence and Offence, prepared with the first beginning of the Spring.

1639.

Your Majesty, I trust, will graciously interpret this Liberty of mine, thus to stray forth of my own Employment (which God knows, is more than sufficient to keep me in work) as proceeding merely from my Zeal to your Person, and having no other Aspect than to your Service. God long preserve your Majesty.

Your Majesties

Fairwood-Park,
Apr. 15. 1639.

most faithful, most humble

Subject and Servant,

WENTWORTH.

The Lord
Deputies Letter to the
King upon
that Subject.

The affairs of
the Fleet under
Marquess
Hamilton.

He arrives at
Holy Island.

Whilst things passed thus at *Tork*, the Marquess *Hamilton* was diligent about the Naval preparations. But whether out of Design or pure Accident of the five thousand men which were put on board there were not two thousand that knew how to fire a Musquet, and except the Officers so raw and undisciplin'd, that little was to be expected from them besides a shew, they being indeed able bodies well cloathed and armed, but untrain'd in Military Affairs. The Fleet was detained in *Tarmouth-Road*, with cross winds and other accidents till the latter end of *April*, at what time they weighed and stood for *Holy-Island*, where by His Majesties Command they were to attend His coming to the Borders; but the untowardness of the weather was such that they did not arrive there till the twenty ninth of *April*.

While his Majesty kept his Court at *Tork*, a Proclamation was issued out to satisfy his Majesties Subjects of *England* about several Projects and Monopolies, which had occasioned some discontents in the Nation, which to shew how willing His Majesty was upon all occasions to gratify and comply with all the just desires of His Subjects, and to redress any real grievances and illegal pressures it will not be improper to insert.

A Proclamation declaring His Majesties Gracious Pleasure, touching sundry Grants, Licences, and Commissions, obtained upon untrue Surmise.

WHereas divers Grants, Licences, Priviledges, and Commissions, have been procured from His Majesty, some under his Great Seal of *England*, and some others under His Privy-Seal, Signet, or Sign Manual, upon pretences that the same would tend to the common Good and Profit of his Subjects: which since upon experience have been found prejudicial, and inconvenient to his People, contrary to His Majesties Gracious Intention in granting the same. And whereas also upon like suggestions, there hath been obtained from His Majesty and the Lords, and others of His Privy-Council, divers Warrants, and Letters of Assistance for the execution of those Grants, Licences, Priviledges, and Commissions, according to His Majesties good intention and meaning therein. Forasmuch as His most excellent Majesty (whose Royal care and Providence is ever intentive on the publick good of his People) doth now discern that the particular Grants, Licences, and Commissions hereafter expressed, have been found in consequence

consequence far from these Grounds and Reasons whereupon they were founded, and in their execution have been notoriously abused, He is now pleased of His meer Grace and Favour to all His Loving Subjects (with the Advice of His Privy-Council) by His Regal Power to publish and declare the several Commissions and Licences hereafter following, whether the same have passed His Great Seal, Privy-Seal, Signet, and Sign Manual, or any of them, to be from hence utterly void, revoked, and hereby determined, that is to say,

A Commission touching Cottages and Inmates.

A Commission touching Scriveners and Brokers.

A Commission for compounding with Offenders touching Tobacco.

A Commission for compounding with Offenders for transporting of Butter.

A Commission for compounding with Offenders in the importing or using of Logwood.

A Commission to compound with Sheriffs, and such as have been Sheriffs, for selling their Under-Sheriffs places.

A Commission for compounding for destruction of Woods in Iron-Works.

A Commission for Concealments and Incroachments within twenty Miles of London.

A Licence to transport Sheep-Skins and Lamb-Skins.

A Commission to take Men bound to dress no Venison, Pheasants, or Partridges in Inns, Ale-houses, Ordinaries, and Taverns.

A Commission touching the licensing of the use of Wine-Cask.

A Commission for licensing of Brewers.

A Licence for the sole transporting of Lamperns.

And that all Praclamations, Warrants, or Letters of Assistance for putting in execution any of the said Commissions or Licences, be from henceforth declared to be void, determined, and hereby revoked to all Intents and Purposes.

And His Majesty in like favour and ease of His Subjects, is further pleased to declare His Royal Will and Pleasure to be, that the particular Grants hereafter mentioned (upon feigned suggestions obtained from him to publick damages) whether the same have passed His Majesties Great Seal, Privy-Seal, Signet, or Sign Manual, or any of them, shall not hereafter be put in Execution, viz.

A Grant for weighing Hay and Straw in London and Westminster, and three Miles compass.

An Office of Register to the Commission for Bankrupts in divers Counties of the Realm.

An Office or Grant for gauging of Red-Herrings.

An Office or Grant for the marking of Iron made within the Realm.

An Office or Grant for sealing of Bone-Lace.

A Grant for marking and gauging of Butter Casks.

A Grant of Priviledg touching Kelp and Sea-Weed.

A Grant for Sealing of Linnen-Cloth.

A Grant for the gathering of Rags.

An Office or Grant of Factory for Scottish Merchants.

An Office or Grant for Searching and Sealing of Forein Hops.

An Office and Grant for the Sealing of Buttons.

All Grants of Fines, Penalties, and Forfeitures before Judgment, granted, or mentioned to be granted, by Letters Patents, Privy-Seals, Signet, Sign Manual, or otherwise.

All Patents for new Inventions, not put in practice within three Tears next after the date of the said Grants.

1639.

And the several Grants of Incorporation made unto Hatband-makers, Gut-string-makers, Spectacle-makers, Comb-makers, Tobacco-Pipe-makers, Butchers, and Horners.

And His Majesty doth further Require and Command, that there shall be a proceeding against the said Patentees by quo Warranto, or Scire facias, to recall the said Grants and Patents, unless they will voluntarily surrender and yield up the same.

And also all Proclamations, Warrants, or Letters of Assistance obtained from His Majesty, or the Lords and others of His Privy-Council for execution thereof, from henceforth utterly to cease and be determined, and are hereby absolutely revoked and recalled.

And His Majesty doth further expressly Charge and Command all and singular the Patentees, Grantees, or others any ways interess'd, or claiming under the aforementioned Grants, Licences, or Commissions, or any of them, and their Deputies, that they or any of them do not at any time hereafter presume to put in ure or execution of the said Grants, Commissions, or Licences, or any thing therein contained, or any Proclamations, Warrants, or Letters of Assistance obtained in that behalf, upon pain of His Majesties Indignation, and to be proceeded against as contemnors of His Majesties Royal Commands, whereof will require a strict Account.

Given at Our Manour at York, the Nineth day of April, in the Fifteenth Year of Our Reign, 1639.

On the Twenty Ninth of April the King set forward from York, having received much satisfaction from the Affections and Loyalty of that City and County; and the first Night He lodged at Raby-Castle in the Bishoprick of Durham, where he was nobly Treated by Sir Henry Vane Treasurer of the Houshold, to whom the Castle belonged.

The King comes to Durham.

From thence he advanced to Durham, where Dr. Morton the Bishop magnificently entertained His Majesty with all the demonstrations of Welcome and Loyalty for several days, while the Levies of Horse and Foot were compleated in that County, and upon their march from Durham His Majesty passed forward to Newcastle, where he was likewise by the Magistrates received with great testimonies of Duty and Affection, and magnificently Entertained; His Majesty to manifest the sense he had of their kindness was pleased to confer the honour of Knighthood upon Mr. Alexander Davison the then Mayor, Thomas Riddell Esq; the Town Clerk, and the Son of Sir Thomas Riddell the Recorder.

The Kings Army advances towards Berwick the Army drawn up in Batavia where the King takes a view of them. The King Encamps at Birks. The Kings inclination to accommodation.

From Durham His Majesty advanced towards Berwick, where the Lord General drew up the Army in Batavia, and the King having taken a view of those gallant Troops marched at the head of them towards the River Tweed, the antient Boundary between the two Kingdoms of England and Scotland, and in a convenient place about two miles from Barwick, at a place called the Birks he made his Encampment, the Nobility, and those of His Majesties Houshold pitched their Tents near to the Royal Pavilion.

But though His Majesty was thus intent upon the War, yet had he not laid aside the milder thoughts of Peace; which was the effect rather of his own excellent Temper, than of the Councils of some both of the English and Scottish Nation about him, who for their own Interests and Designs

Designs appeared averse to any accommodation: upon which Subject he writ this following Letter of Directions to the Lord Admiral riding in the Frith of Edenburgh.

1639

HAMILTON.

I Have kept this honest Bearer the longer, that I may with the more assurance give you my Directions what to do; consisting of two Points, Fighting and Treating. For the first, We are still of the same Opinion, That it is not fit that you should go on until I be in the Borders, which will be (by the Grace of God) by this day eight days; except you find that before that time they march down to meet me with a great strength; in that case you are to fall on them immediately, and in my Opinion, as far up in the Frith as you think probably may do good, thereby to make a Diversion. In the mean time I like well, that you go on upon the ground of Treaty you sent a Note of to Master Treasurer, (which you will find I have under-written) no Body else being acquainted with it. Thus having given you my Directions, both concerning Fighting and Treating, I leave the rest to the faithful Relation of the honest Bearer; and Rest,

Newcastle, May 17.
1639.

Your assured constant Friend,

CHARLES R.

Nor was that faithful and vigilant Minister the Lord Deputy of Ireland less active in settling the peace of that Kingdom, so as to be better able to assist His Majesty from thence, than diligent in his preparations. In order to which he framed this following Oath for such of the *Scottish* Nation as were in *Ireland* to secure their Allegiance. Commissions were issued out under the Great Seal to certain select persons, authorizing them to administer the said Oath to all persons of the *Scottish* Nation from the age of Sixteen years and upwards, inhabiting or having Estates within the Kingdom of *Ireland*, the Tenure of which was as follows.

The Lord Deputies care of Ireland.

The Oath given to to the Scots in Ireland.

I N. do faithfully swear, profess, and promise, That I will honour and obey my Sovereign Lord King Charles, and will bear faith and true Allegiance unto him, and defend and maintain his Royal Power and Authority; and that I will not bear Arms or do any Rebellious or Hostile Act against any of his Royal Commands, but submit my self in all due obedience thereunto, And that I will not enter into any Covenant or Band of mutual Defence or Assistance against any Person whatsoever by Forces; without his Majesties Sovereign and Regal Authority. And I do renounce and abjure all Oaths, Covenants, and Bands whatsoever, contrary to what I have herein sworn, professed, and promised. So help me God in Jesus Christ.

1639.

the Lord Deputy's Letter to the King.

Of which he gave His Majesty an Account in this following Letter.

May it please your Sacred Majesty,

BY our joint Dispatch to Mr. Treasurer Vane, as by the particular Letter of my Lord of Antrim to your Majesty, will appear what hath been done in pursuance of the late Directions concerning the sitting of his Lordship for his Design against the Earl of Argile, and the Terms wherein it rests, until there may be an Ability to set it on foot with more probability, indeed possibility than could be this Summer, which was so far spent, and his Lordship so far behind in his Preparations, as not to be recovered, or right-stated, before next Spring; no, albeit his Lordship had, or could be provided of the Money he desires.

By my Letter to Mr. Secretary Cook, your Majesty will also find in what good Expressions those of the Scottish Nation have delivered themselves toward your Service, and their own Allegiance; and in troth Sir, their manner was very chearful and hearty; and these being the Principal who have taken the Oath, it may be with confidence believed, all the rest of meaner condition will follow their good Example.

Commissions are now issuing to take the Oath of all the rest; they shall be all under the Seal by the last of this Month; upon which day I have given order to half of the Horse-Troops and Foot-Companies to be at Knockfergus, their Rendezvous, intrusted the Master of the Ordnance with the commandment of them. They are already on their March, and I my self am ready upon five days warning to follow them with the rest of the Army if there be occasion.

Those Forces I hasten the more, as those that will become the Business looking on, whilst that caution of the Loyalty of the Scots to the Crown is to be taken, and at hand to correct any Mis-accident that might fall forth in the accomplishment of that Service.

Besides, they being so near, and your Majesties Ships on that Coast, will certainly give the Earl of Argile more to think of, and consider himself nearer home, than the raising of a Company of naked and unexperienced Irish-men by my Lord of Antrim: And to give it the bolder countenance, it is generally believed on this side, that I my self will follow them with the rest of those Forces.

To the best of my discerning, all is set on this side in right Affections to your Royal Person and Affairs, and toward Obedience and Peace, which makes me judge, That if your Majesty had been faithfully and attentively served by your Ministers in Scotland, it had been impossible there could have been so general and desperate a Defection as now shews forth it self, even to the wonder and scandal of every honest Heart. God long preserve your Majesty,

Dublin May 13.

1639.

Your Majesties

most faithful, most humble

Subject, and Servant,

WENTWORTH.

His

His Lordship also being informed of His Majesties march with the Army toward *Berwick*, writ this following Letter of humble advice.

I 639.

May it please your Majesty,

HAVING given so particular an Answer to what Mr. Treasurer Vane wrote unto me from your Majesty, this may well be of less pain in the reading, craving leave to refer my self thereunto.

The Commissions for taking the Oath of Abjuration from all of the Scottish Nation on this side, are already under Seal, and shall be sped with all possible care and diligence, not doubting but they will produce the Effect desired and expected.

Sir Henry Bruce came hither this week, and hath already his dispatch toward my Lord of Antrim. In truth he seems to be a very fair conditioned Gentleman, and knowing in his Profession; and there is need he be so, for he will not find among all that Earl employs, one other that doth therein understand any thing at all.

We hear now and then, that they intend to beat, to bang, to Conquer; but the way how, the means wherewith they should make themselves as good as their word, as yet appears not to the Ministers of this State; nor can I find by the Discourse I have had with him, that Sir Henry Bruce hath hitherto any great opinion or belief in the Design of the Earl, or his Party.

These Lines will have the honour to be delivered to your Majesty in the Camp Royal; God Almighty fight for you, and with your Batalions; and admit the liberty humbly to beseech your Majesty,

To intrench your Army with all possible strength and diligence, that so you may not be constrained to any thing above your liking by the Enemy; and that the place be so chosen, wherein you may both have the Sea to Friend, and a safe and free passage bewixt your Majesties Camp and *Berwick*, for by this means you shall not only secure your Person, but the Kingdom of England from any sudden and desperate fury of the Rebels, being that which they only can endanger either the one or the other by.

Next; Not to provoke them by any Offensive Act to break in upon their Neighbours this Summer, till it be the end of August, keeping all quiet as possibly may be till then.

Indeed, I conceive strengthening your Horse all that possibly you may the whilst, by the beginning of September, if no other sense of their own Transgressions, and your Majesties Clemency, shall be able to persuade them into their Duty, you may with great success suddenly march up all your Horse as far as *Edenburgh*, and spoiling and burning all the Corn of their Champian Country, and taking from them all their Shipping, Fishing and Commerce, leave them to fight it out for the rest of the Winter among themselves with cleanness of Teeth, when a strong Garrison at *Berwick*, and the very instant season of the Tear shall move them, whether they will or no, to keep near their own Fires side.

And lastly, Your Majesty to give order to secure *Carlisle*, by putting 1500 men more into the Town; 500 men being too small a number, to make it good against an Enemy; however, not to divide those 500 at least, as lately they were, one hundred of them being taken forth of the Town to defend *Ben-Castle*, and another hundred to the guarding of another Castle, being places of

Lord Deputy's
Letter of Ad-
vice to the
King to en-
camp his
Army.

1639.



no strength, or consequence, and which an Enemy would scarcely ever think upon, unless incited thereunto out of a hope to have Execution of those two Companies, so separated from the rest of the Regiment. God long preserve your Majesty,

Dublin, May 30.

1639.

Your Majesties

most faithful, most humble

Subject and Servant,

WENTWORTH.

The same given to the Scots in England.

This procedure of the Lord Deputy was so well approved by the King, that he signified his pleasure to the Council-Board, that the same Oath should be taken by all of the *Scottish-Nation* in *England* of the age of Sixteen years and upwards; upon which this order of Council was made, and several of that Nation upon their refusal were put in Custody.

At Whitehall, June 5. 1639.

Present,

Lord Arch-Bishop of Canterbury

Lord Keeper

Lord Treasurer

Lord Admiral

Lord Cottington

Mr. Comptroller

Mr. Secretary Windebank

Order for a Commission to minister an Oath to Scots men.

‘ WHEREAS His Majesty hath commanded that an Oath formerly administered to all *Scottish* Men inhabiting within the Kingdom of *Ireland*, should be likewise administered to all *Scottish* Men within this Kingdom; It was thereupon this day thought fit, and ordered, That the Lord Keeper should be hereby prayed and required, to cause a Commission under the Great Seal to be forthwith issued unto the Lords and others of His Majesties most Honourable Privy-Council, residing in or near-about the Town; authorising them, or any two or more of them, to administer the said Oath accordingly to all His Majesties Subjects of *Scottish* Birth, being Servants to the King and Queen’s Majesty, &c.

At Whitehall, June 12. 1639.

A Letter to the Sheriffs of London and Middlesex.

‘ THIS shall be to Will and Require you to repair unto the *Tower-Wharf* on *Friday* Morning next, there to receive unto your Charge from Sir *Henry Manwairing*, Knight, all such Persons here-under named, and to see them safely conveyed and delivered according to the Directions of the ten several Warrants. So not doubting of your care therein, &c.

Signed

Signed by,

1639.

Lord Keeper
Lord Treasurer
Earl of Suffolk

Lord Cottington
Lord Newburgh
Mr. Secretary Windebank.

Scotish Men committed for refusing to take the Oath.

Colonel John Monroe
Lieutenant Col. George Forbes
Lieut. Col. Alexander Bartley
Lieut. Col. John Kenemouth
David Bartley
George Mackeinee
George Forbes
Gilbert Blane
David Trile
Adam Campbell
Gilbert Campbell
Alexander Herriot
George Hay
Henry Benson
John Brown
Lawrence Swethman
Robert Humsden
John Juins
Lieut. Harvey
Patrick Kircaldy
David Kennedy

Thomas Mitchel
James Crockshank
Fr. Forbes
Henry Brown
John Cunningham
David Hunter
George Hunter
Arthur Forbes
Alexander Dunn
John Deseos
Lieut. Coll. Mills
Captain Carr
David Donaldson
Alexander Dixon
George Buchanan
John Sibett
David Belly
William Admiston
Andrew Ramsey
Alexander Wollace
John Graunt.

Leaving therefore His Majesties affairs in this good posture, let us take a little prospect of those of the Rebels. The Castles of *Edenburgh*, *Dunbarton*, the City of *Aberdeen*, and most of the considerable places were fallen into their hands, the Lord *Kir Son* to the Earl of *Roxborough* was whilst his Father was coming to the King at *Tork*, revolted to the Covenanters, only the Marquess of *Huntley* made a little opposition, but was too weak to perform any thing considerable. His Majesty sent a Proclamation with Instructions to the Marquess if possible to get that published before he entred upon any acts of Hostility, resolving to try all possible ways before he proceeded to Extremities, and to make a distinction betwixt the Seducers and seduced, promising pardon to those upon their returning to their Duty, and threatning severity in case of obstinate refusal of mercy.

The Marquess being arrived in the *Frith*, upon the first of *May* landed several of his men upon the two little Islands *Incheith* and *Inchcolm*, which the Covenanters had neglected to fortifie: there he refreshed and exercised those raw and undisciplin'd Troops. Immediately upon his arrival he sent one on shoar with a Letter to the Clerk of the Council commanding him to come on Board; he also writ to the Magistrates of *Edenburgh* to send him: the messenger was used civilly, but made a Prisoner, and the Council of *Edenburgh* excused themselves from sending the Clerk, as he did by Letter pretending he was by force prevented from waiting up-

on

The State and Posture of the Covenanters Affairs.

Marquess Hamiltons proceedings in the *Frith*.

1639.

on him. After three days he sends another messenger with His Majesties Proclamation to the Magistrates commanding them to publish it next day in due form : and another Proclamation to the Clerk of the Council commanding him either to publish or affix it upon the market-Cross; The Magistrates desired three days delay which he granted, in hopes in that time His Majesty with his Army might be upon the Borders.

Upon the Ninth of *May*, he received the following Letter from the principal Covenanters, which plainly shews their Temper, and Resolution was to baffle all hopes and indeavours of an accommodation.

A Letter from the principal Covenanters to *Marquess Hamilton*.

Please your Grace,

‘ **A**S we were here met to attend the Parliament, indicted by His Majesty, there was shewed us by the Provost of *Edenburgh*, a Letter from your Grace to himself, and the Bayliffs, and Council of this City, with the Copy of theirs returned to your Grace, deferring the more full Answer till our meeting. And withal there was presented from your Grace His Majesties Proclamation, which having perused, we find it doth contain divers points not only contrary to our National Oath to God, but also to the Laws and Liberties of the Kingdom, for it carries a denunciation of the High Crime of Treason, against all such as do not accept the offer therein contained; albeit it be only a Writing put in Print without the Kingdom, and not warranted by Act and Authority of the Council, lawfully convened within this Kingdom. And your Grace in your Wisdom may consider, whether it can stand with the Laws, Liberties, and Customs of this Kingdom, that a Proclamation of so great and dangerous consequence, wanting the necessary Solemnities, should be published at the Market-Cross of this City. Whereas your Grace knows well, that by the Laws of this Kingdom, Treason and Forfeiture of the Lands, Life and Estate of the meanest Subject within the same, cannot be declared but either in Parliament, or in a supreme Justice Court, after Citation and lawful Probation; how much less of the whole Peers and Body of the Kingdom, without either Court-proof or Tryal. And albeit we do heartily and humbly acknowledge and profess all dutiful and civil Obedience to His Majesty, as our Dread and Gracious Sovereign; yet since this Proclamation does import in effect the renouncing of our *Covenant* made with God, and of the necessary means of our lawful Defence, We cannot give Obedience thereto, without bringing a Curse upon this Kirk and Kingdom, and Ruin upon our selves and our Posterity; whereby we are persuaded, that it did never proceed from His Majesty, but that it is a deep Plot contrived by the Policy of the devilish malice of the known and cursed Enemies of this Church and State, by which they have intended so to dis-joyn us from His Majesty, and among our selves, as the Rupture, Rent, and Confusion of both might be irreparable; wherein we hope the Lord (in whom we trust) shall disappoint them. And seeing we have left no means possible unessayed since His Majesties coming to *Tork* (as before) whereby His Majesties Ear might be made patent to our just Informations, but have used the help (to our last *Remonstrance*) of the Lord *Gray*, the Justice Clerk, the Treasurer, and the Lord *Daniel*, as the Bearer can inform your Grace, and yet have never had the happiness to attain any hopes

‘ hopes of our End. but have altogether been frustrate and disappointed;
 ‘ and now understanding, by the sight of your Graces Letter, That your
 ‘ Grace, as His Majesties high Commissioner, is returned with full Power
 ‘ and Authority to accommodate Affairs in a peaceable way, we will not
 ‘ cease to have recourse to your Grace, as one who hath chief interest in this
 ‘ Kirk and Kingdom; desiring your Grace to consider, (as in our judgment
 ‘ we are perswaded) That there is no way so ready and assured to settle and
 ‘ compose all Affairs, as by holding of the Parliament according to His Ma-
 ‘ jesties Indiction, either by his Sacred Majesty in Person, (which is our
 ‘ chiefest desire) or by your Grace, as His Majesties Commissioner, at the
 ‘ time appointed; wherein your Grace shall find our Carriage most humble,
 ‘ loyal, and dutiful to our Sovereign, or to your Grace, as representing His
 ‘ Majesties Person; and in the mean time, That your Grace would open a
 ‘ safe way, whereby our Supplications and Informations may have access to
 ‘ His Majesties Ears: and we are fully perswaded, that we shall be able to
 ‘ clear the lawfulness and integrity of our Intentions and Proceedings to
 ‘ His Majesty, and make it evident to His Majesty and to the World, that
 ‘ our Enemies are Traytors to the King, to the Church and State; and that
 ‘ we are, and ever have been, His Majesties Loyal and Obedient Subjects.
 ‘ So we Rest,

Edenburgh, May 9. 1639.

Your Graces humble Servants,

*A. Lesley
 Argile
 Marr
 Rothies
 Eglinton
 Cassils
 Wigtown
 Dalhousy
 Lothian
 Angus*

*Elcho
 Lindsey
 Balmerino
 Montgomery
 Forrester
 Erskins
 Boyd
 Napier
 Burghly
 Kirkudbright.*

And about thirty Commissioners for Sheirs and Burroughs.

In answer to which the next day he returned this following Letter to the Lord Rothies.

My Lord,

I Received a Letter yesterday morning, signed by your Lordship, and divers Noblemen, and others, wherein you alledge you are come to attend the Parliament; but considering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a civil Convocation for the good of the Church and Common-wealth. You may perceive by His Majesties Gracious Proclamation, that he intended in his own Sacred Person, to be present at the Parliament, so soon as with Honour and Safety he might do it, and for that end exprest therein what was fit to be done. But these Courses which you take, and your Disobedience to his just Commands, daily more and more shewed, will necessitate him to have them put in execution another way.

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1639.

It is true, that His Majesty sent me hither to accommodate these Affairs in a peaceable manner, if it were possible, which I have laboured to do; and accordingly my Deportment hath been, which hath been met with that Retribution, as if I had met with the greatest Enemy: but your refusing to publish His Majesties Grace to his People, signified in his Proclamation, hath taken away that Power which otherwise I had; that being a Liberty taken to your selves, which never any Loyal Subjects assumed in any Monarchy. You alledge many Reasons for your selves, of the Illegality of that Proclamation; but you cannot be ignorant, that your Carriage hath forced many of these principal Counsellors for safeguard of their Lives to forsake the Kingdom, out of which they remain yet for the same cause. You have suppressed the Printing of all Writings, but what is warranted by Mr. Alexander Henderson, and one Mr. Archibald Johnstown: neither was the Clerk of the Council, whom I sent for twice to give him Directions concerning the Business, permitted to come aboard to me, upon Conference with whom (for any thing you know) I might have resolved to come ashore my self, and convened a Council for the Publication thereof in the ordinary way. But your extraordinary proceedings in all things, must needs force from His Majesty some things which perhaps you may think not ordinary. Whereas you desire me to be a means that your Supplications may have free access to His Majesties Ears: it is a Work of no difficulty, for His Majesty hath never stopt his Ears to the Supplications of any of His Subjects, when they have been presented to him in that humble and fitting way which became dutiful Subjects: Nor did I ever refuse any, all the time I was among you, or conceal any part of them from His Majesty; so that your Allegation of not being heard, is grounded upon the same false Foundations that your other Actions are, and serves only for a means to delude the simple People, that by making them believe what you have a mind to possess them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all His Majesties good Subjects, so it is more particularly by me, who have had the honour to be employed in this Business with so bad success.

May 10.

My Lord,

Your humble Servant,

HAMILTON.

Southesk and Innerneffer attend the Marquess with a frivolous Errand.

Upon the Eleventh of May a Letter came from the Council and Session desiring Liberty for some of them to wait upon his Grace, which being obtained, Innerneffer and Southesk came to him, desiring to know what he had to propose; he referred them to the Proclamation: they represented to him the rage of the People, and the difficulty of reclaiming them either by Reason or Arms, advising to give some way and time to their Follies, which might cool them by degrees.

May

On the Thirteenth of *May* the Marquess received this following Letter,
Signed but not written by the Earl of *Roths*.

1639
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*Please your Grace,*

I Should have been far better contented to have seen you here at the Parliament with His Majesty, or holding that indicted as His Majesties Commissioner, than with Navy and Army to constrain us beyond these just Limits of Religion, and lawful Obedience which we were always willing to perform. It was far by my Expectation, and your Grace's Oath and Promise, that you should never come in any chief Command against your Native Country. Whereas your Grace doth challenge our coming in such Numbers to attend this Parliament, I hope you conceive that this Navy, and Army upon the Borders, and the Invasion threatned in the West, do sufficiently warrant our preparations to defend these places, and divert such dangers. That Proclamation that is said to carry so much Grace and Goodness, is as destitute of that, as your Invasion is of a good Warrant; which persuades me, That neither of the two proceeds from His Majesties own Gracious Disposition. I cannot stand here to answer all these mis-conceived Particulars contained in your Grace's Letter; but if I had the honour to see your Grace, before any more mischief be done, I dare engage my Honour and my Life, to clear all these Imputations laid on our Proceedings; and I can demonstrate how hardly we have been used, without any just Reason. I dare not be answerable to God Almighty, and to that Duty I owe my Prince and Country, if I do not shew your Grace, that your going a little farther in this violent and unjust way, will put all from the hopes of Recovery; from which both a great deal of Blame from Men, and Judgment from above shall attend you as the special Instrument, which I wish you labour to evite. If our Destruction be intended, we are confident in that Majesty who owns this Cause, and is able to defend it; and if only Terrors to fright, and prepare us to accept of any conditions will be offered, that Intention is already as far disappointed, as any of these many former: but as we are ready to defend, so ever to insist in supplicating, in using all humble and lawful means as becomes us.

The Earl of  
*Roths* his  
Letter to the  
Marquess.

Mr. *Borthwick* will deliver to your Grace our Supplication to His Majesty, both his and my mind, till I shall have the occasion to dis-burthen myself, furcharged with grief at your proceedings, being most desirous (as I have been formerly) to have all these Occasions removed, that may divert me from being still,

Your Grace's humble Servant,

*R O T H S.*



1639.

On the Seventeenth of *May*, the Marquess returned the following Answer to the former Letter from the Lord *Rothes*.

My Lord,

The Marquess  
his answer.

I Have received your Lordship's Letter signed by you, but I cannot conceive it of your Lordship's indicting; for I believe you would not have sent such an one to me, if you had not had some Malignant Spirits busied in the framing of it; for you cannot but remember, that my words were never other, than that I would die at my Masters Feet; and that I would prove an Enemy, to the uttermost of my power to this Kingdom, if my Countrey-men continued in their Obstinacy: And here I set it under my hand, That I will (by Gods Grace) make it good. It is true, knowing my own inability, I neither desired, nor indeed willingly did accept the Conduct of an Army against this Nation; but my backwardness proceeded not out of a desire not to be employed against such in this Countrey as were disobedient, but that His Majesty might have found many more able to have served him; but since he hath been pleased to trust me, I will not deceive him.

You pass by many Particulars in your Answer to my Letter untouched, saying, You cannot stand here to answer them. It is most true, they are not to be answered, and so I take it. As for your own Justification, it is the same which you have ever used, and so continue; but the best is, none that ever were truly informed of your Proceedings, doth or can give any approbation of them.

You say, If I go any farther in a violent Course, it will be past all hope of Remedy. If I do, none can blame my Master: for that can never be called Violence, which is only to suppress Rebellion: and if I proceed to execute his Commands therein, you are the Causers of it. As Mr. *Borthwick* told me, I expected to have heard further from you before now; but nothing coming, I would forbear no longer to give you this Answer under my hand, that both you and all the World may take notice what my inclinations are: which notwithstanding I do infinitely desire they may be stopt, by your speedy and real submission to His Majesties just Commands. And this is the Prayer of him, that wisheth it may be still lawful for him to call himself

From on board the  
*Rainbow*, May 17.

Your Lordships

1639.

humble Servant,

HAMILTON.

May the Thirteenth he received this Letter from His Majesty.

*Hamilton*,

A Letter from  
the King to  
Marquess *Hamilton*.

The length of *Henry Vane's* dispatch will shorten this, not being willing to trouble my self with Writing, nor you with Reading of Repetitions. This I must observe to you, that whatsoever either he or I writes at this time is no absolute Command, but meerly Advices to help your



‘ your Knowledge, that you may the easier judge what is best for my Ser-  
 ‘ vice. Upon this ground I send you here a Discourse of Mr. *Thomas Ha-*  
 ‘ *milton's*, wherein many things to my seeming are very well said, but how  
 ‘ far practicable, or when, I leave you to judge; as likewise upon the  
 ‘ whole matter I give you my Opinion, that if you find it not fit to land all  
 ‘ your 5000 men upon *Lothian-side*, then it may be counsellable to send most  
 ‘ of your Land-men to the North, to strengthen my Party there. As for  
 ‘ your landing in the South, I shall only name two places besides *Tentallon*,  
 ‘ to wit, *Sterlin*, ( if that be not too far off to be relieved ) and *Dumbar* :  
 ‘ as for *Tentallon*, I shall command the Marquess of *Douglafs* to send one  
 ‘ to agree that business with you. So longing to hear from you, and wish-  
 ‘ ing you good luck, I rest

Newcastle,  
 May 8. 1639.

Your assured constant Friend,

CHARLES R.

And here it may be convenient to insert the following Paper mentioned  
 in His Majesties Letter drawn by Mr. *Thomas Hamilton*, not so much for  
 either delight or service to the Reader, as to Correct an ungentile Reflexion  
 in the late Historical Collections, where the Author page 972. 2 vol. 2. part.  
 by an odd Achronism inserts this Paper, saying, *It was made for His Ma-*  
*jesties use against the Covenanters*, but tacks it to the end of a Paper of Pro-  
 positions made to the King of *Spain* when his Fleet came upon the Downs,  
 tacitly insinuating they were both of a piece, and upon the same Design  
 which he there intimates was an Invasion upon *England*, to rob us of our  
 Liberty and Religion, whereas this Letter shews both who framed the Paper  
 and with what Design; of the other Paper to the *Spanish* King shall be  
 spoken in the due course of this History.

A description of the Ferries in *Scotland* presented to the King by  
 Mr. *Thomas Hamilton*.

‘ **T**He River of *Ness* is large and deep, falleth out of a Lake named  
 ‘ *Ness*, twenty four Miles long, and five or six in breadth, into a  
 ‘ great Bay of the Sea. On this River standeth the Town of *Inverness*,  
 ‘ which hath a strong Castle, in the keeping of the Marquess of *Huntly*,  
 ‘ as yet not taken. If in this Town and Castle were put a competent  
 ‘ Garrison, with a Ship and Pinnacle in the Bay, you might break the Fer-  
 ‘ ry-Boats, and stop all Passages from Northward of that River.

‘ The River of *Tay* falleth out of a Lake ten miles long, and one and a  
 ‘ half broad, from whence the River hath the Name, which is the main and  
 ‘ only passage between the North and South parts of the Kingdom. This  
 ‘ River falleth into the East Sea below *Dundee*, the biggest Town almost in  
 ‘ *Scotland*. At the entry to the Sea it is two miles broad, and continueth  
 ‘ the same breadth upward till within the three or four miles of *St. John-*  
 ‘ *stown*, between which Town and *Dundee* there are sixteen miles and above,  
 ‘ at no part whereof there is any passage but by Ferry-Boats. If a few  
 ‘ Ships would ride at the mouth of this River below *Dundee*, and send up  
 ‘ some

A Paper of  
 the Ferries in  
 Scotland.



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‘ some small Pinnaces, they might break all the Ferry-Boats, and stop all  
 ‘ the Passages that could be made over at any part between the North of  
 ‘ the River and the said Town of *St. Johnstoun*, above which to the said  
 ‘ Lake the River is not ridable but at some few Fords, the passages whereof  
 ‘ might be kept by the Noblemen, who stand well affected to His Ma-  
 ‘ jesties Service, and whose Estates do lie thereabouts in *Strathern*; such as  
 ‘ the Earls of *Airly*, *Perth*, *Tullibarden*, and *Kinnoul*: who if they were  
 ‘ sent home with a competent number of Souldiers to attend them, all those  
 ‘ of their Name, their Friends and Tenants gathered unto them, might stop  
 ‘ all Land-passages whatsoever from North to South.

‘ And in case the People of *Fife*, who dare not now cross *Forth-River*,  
 ‘ in regard of your Majesties Ships, should march with supply by *Sterling*-  
 ‘ Bridge to *Lothian*, these Noblemen with their Forces might be in some  
 ‘ narrow Passage in their way; and if they could not force them to retire,  
 ‘ yet they might fall upon their Country in their absence, so that they could  
 ‘ not both be able do defend their Sea-Coasts, and secure them from Danger  
 ‘ on their backs; neither durst they all turn back on *Strathern*, for fear that  
 ‘ those of the Fleet should land on their Shores in their absence.

‘ The Shire of *Perth* would be a Rendezvous and safe Retreat to all  
 ‘ those of *Fife*, *Angus*, *Strathern*, and the *Highlands*, who upon this Pro-  
 ‘ clamation shall abandon the *Covenanters* Party, and stand for his Majesties  
 ‘ Service.

‘ These four Noblemen, with the number your Majesty will send with  
 ‘ them, might be sent almost to their dwellings by Sea on the said River.

‘ If the Town of *Sterling* were seized, these River-passages made sure,  
 ‘ and the Town of *Aberdeen* secured, in regard of your Majesties Forces in  
 ‘ the North, no harm could be expected from the North.

The Marquess finding it impossible to get the Proclamation published,  
 sent a great many Copies of it to all places whither he could, to be dis-  
 persed over the Countries, which was all could be done, for the King had  
 sent Sir *James Carmichael* the Treasurer Depute to *Edenburgh* who had  
 commanded the Lyon Herald to publish it, but he being threatened by the  
 Rabble and put in fear of his life as he was going to the Cross, run away  
 without putting on his Coat.

The Covenanters posted 20000 men on either side the *Frith* to hinder  
 the Marquess from landing, and as they gave out their Army under *Lesly*  
 consisted of 25000 men. Those of the *Scottish* Nation about the King  
 reported their preparations to be very formidable, and that though the  
 King exceeded them in the Gallantry of his Cavalry, yet they far sur-  
 passed him in their Infantry; though others who pretended to have a more  
 perfect account affirmed that their foot were very ill armed not having  
 above 3000 Musquets in their whole Army.

With this Army *Lesly* marched towards the King, of which His Majesty  
 being informed, on *June 2.* there was a Council of War held at the Kings  
 Pavilion, where a Resolution was taken to send a party of 2000 Horse and  
 as many Foot to dislodge the *Scots* who were quartered at *Kelsey* about six  
 miles from the Camp: An account of which business will appear in this  
 following Letter from Sir *H. Vane* to Marquess *Hamilton*.

My Lord,

The Covenanters post men on both sides the *Frith* to prevent the Marquess from landing. The strength of the Rebels Army.

*Lesly* marches with his Army towards the Borders.



My Lord,

**B***T*he dispatch Sir James Hamilton brought your Lordship from His Majesties Sacred Pen, you were left at your liberty to commit any Act of Hostility upon the Rebels, when your Lordship should find it most opportune. Since which my Lord Holland with 1000 Horse and 3000 Foot marched towards Kelsey, himself advanced towards them with the Horse (leaving the Foot three miles behind) to a place called Maxwellheugh, a height above Kelsey; which when the Rebels discovered, they instantly marched out with 150 Horse, and (as my Lord Holland sayes) eight or ten thousand Foot; five or six thousand there might have been. He thereupon sent a Trumpet, commanding them to Retreat, according to what they had promised by the Proclamation. They asked whose Trumpet he was? He said, My Lord Holland's. Their answer was, He were best to be gone. And so my Lord Holland made his Retreat, and waited on His Majesty this night to give him this Account.

This morning Advertisement is brought His Majesty, That Lesley with 12000 men is at Corkburn-spath, that 5000 men will be this night or to morrow at Dunc, 6000 at Kelsey; so His Majesties Opinion is, with many of his Council, to keep himself upon a Defensive, and make himself here as fast as he can; for His Majesty doth now clearly see, and is fully satisfied in his own Judgment, that what passed in the \* Gallery, betwixt his Majesty, your Lordship, and myself, hath been but too much verified on this occasion. And therefore His Majesty would not have you to begin with them, but to settle things with you in a safe and good posture, and your self to come hither in Person, to Consult what Counsels are fit to be taken, as the affairs now hold. And so wishing your Lordship a speedy passage, I Rest,

Sir Hen. Vane's Letter to Mar-ques Hamilton concerning the march to Kelsey.

\* That the Nobility and Gentry of England would never incline to invade Scotland, and thereby begin an Offensive War.

From the Camp at  
Huntley-field, this  
4. of June 1639.

Your Lordships  
most humble Servant,  
and faithful Friend,

H. Vane.

To which His Majesty added this following *Postscript* with his own Hand.

Having no time to write my Self so much, I was forced to use his Pen; therefore I shall only say, That which is here written, I have directed, seen, and appointed.

C. R.

Upon June 4. His Majesty took a view of the Troops of his own Guards, who were no sooner dismounted, but an Alarum was brought to the Camp by Sir John Byron, that the Scots Army was advanced and within sight of the Camp, which gave some surprize as is usual upon such occasions;



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The Scots Army in view of the Kings Camp before he had notice.

The English Army not so forward to engage the Scots as before.

Several great persons wrought off to favour the Scots.

A Council of War held.

cations; but the King going out of his Pavilion took his prospective-Glass, discerned the whole Body of the Army on the side of *Dunce-hill*, and that they were pitching their Tents, and had already fixed their Colours upon the Ground. Upon which His Majesty in some passion (as well he might) said to those about him; Have not I good Intelligence, that the Rebels can march with their Army, and Encamp within sight of mine, and I not have a word of it till the Body of their Army give the Alarm: The L. General was sent for, who replied to such as accused Mr. *Roger Widdrington* the Scout-master, that he had made choice of him being a Native and best acquainted with the Countrey as the fittest person for that Charge. *Widdrington* complained of the Souldiers, who were sent as Scouts, that they neglected their Duty, and gave him no timely Intelligence.

The Army began now to be a little straitned for Provisions, and seemed to abate of that forwardness and courage which they had manifested to Engage with the Scots; several of the English Nobility and Gentry seemed much cooled in their Animosity against the Scots, and some attributed much of this to the Insinuations of *Traquair*, *Roxborough*, and others of the *Scottish-Nation*, who having leave to repair to the King to *Tork* to mediate a Pacification, wrought themselves to far into the good graces of divers of the *English-Nobility*, that they took off the edge of the resentments of some, and intirely dis-armed others of all their Animosity against them; of which it seems the Marquess *Hamilton* had before the expedition given the King some Information, when discoursing with His Majesty in the Gallery at *Whitehall*, none but Sir *Henry Vane* being present, he told him that few of the *English* would engage in an offensive War with *Scotland*, of which Sir *Henry Vane* in the Letter before inserted makes mention, and in effect the event justified the Conjecture; for several of the principal Offices of this Army, were afterwards the most violent Covenanters in *England*, and afterwards if not then, of Confederacy with the Scots in that actual Rebellion which broke out in 1641.

The Armies had lain two days Encamped thus within view, when upon the Sixth of *June* a Council of War was held in the Royal Pavilion, in order what Resolutions should be taken, when the Earl of *Dumferling* with a Trumpet arrived at the Camp with this Petition which was presented to the King.

## To the Kings most Excellent Majesty.

*The humble Petition of His Majesties Subjects of Scotland,*

*Humbly Sheweth,*

‘ **T** Hat whereas the former means used by us have not yet been effectual for receiving your Majesties Favour, and the Peace of this  
 ‘ your Native Kingdom, We fall down again at your Majesties Feet, most  
 ‘ humbly supplicating, That your Majesty would be graciously pleased to  
 ‘ appoint some few of the many worthy Men of your Majesties Kingdom  
 ‘ of *England*, who are well affected to the True Religion, and our Com-  
 ‘ mon Peace, to hear, by some of us, of the same affection, our humble  
 ‘ Desires, and to make known unto us your Majesties gracious Pleasure;  
 ‘ That



‘ That as by the Providence of God we are here joyned in one Island, under one King; so by your Majesties great Wisdom and tender Care, all mistakings may be speedily removed, and the two Kingdoms may be kept in Peace and happinefs under your Majesties long and prosperous Reign. For the which we shall never cease to pray, as becometh your Majesties most Faithful Subjects.

I 639.

His Majesty having considered of this Petition, returned this answer by Mr. Secretary Cook.

**T**He Kings Majesty having read and considered the humble supplication presented unto him by the Earl of Dunfermling, commanded Sir Edmond Verney, Knight-Marshal, to return with the Messenger this answer,

His Majesties answer to the Petition.

That whereas His Majesty hath published a Gracious Proclamation to all his Subjects of Scotland, whereby he hath given them full assurance of the free enjoying both of the Religion and Laws of that Kingdom; as likewise a free Pardon, upon their humble and dutiful Obedience. Which Proclamation hath been hitherto hindred to be published to most of His Majesties Subjects; therefore His Majesty requireth, for the full information and satisfaction of them, that the said Proclamation be publickly read. That being done, His Majesty will be graciously pleased to hear any humble supplication of his Subjects.

Signed JOHN COOKE.

With this answer Sir Edmond Verney Knight-Marshal was dispatched away with the Earl of Dumferling to the Scottish Camp to see His Majesties Proclamation published; and upon Friday June 7<sup>th</sup> returned to His Majesties Camp with the said Earl, with an account of his having proclaimed the Proclamation in the Scottish Army.

The Earl brought with him a second Petition of the same nature with the former, beseeching His Majesty to vouchsafe them a gracious answer, to which His Majesty condescended, and by Mr. Secretary Cook returned it in these words,

A second Petition from the Covenanters.

**H**is Majesty having understood of the Obedience of the Petitioners in reading His Proclamation, as was commanded them, is graciously pleased so far to condescend unto their Petition, as to admit some of them to repair to His Majesties Camp upon Monday next, at eight of the Clock in the Morning, at the Lord Generals Tent; where they shall find six Persons of Honour and Trust appointed by His Majesty to hear their humble Desires.

His Majesties answer.

But this not seeming satisfactory to the Covenanters, upon the Ninth of June being Sunday the Earl of Dumferling returned intreating His Majesty for satisfaction of the People and Army, to give them a safe Conduct by signing the Answer to their Petition with his own hand, which he did, adding a seventh Commissioner, Sir Henry Vane, to the other six before designed.

Commissioners appointed for a Treaty and safe conduct given by the King.

The Commissioners for this Treaty on the Kings part, were the Lord General the Earl of Arundel, the Earl of Essex Lieutenant General, the Earl

The Commissioners on the Kings part.



1639.

The Scottish  
Deputies.Reasons indu-  
cing His Ma-  
jesty to treat  
rather than  
fight with the  
Scots.The Treaty  
began Tues-  
day June 2.His Majesty  
comes in per-  
son to the  
Treaty.The general  
request of the  
Covenanters  
security of  
Religion and  
Liberty.The desires of  
the Covenant-  
ers:

Earl of *Holland* General of the Horse, the Earls of *Salisbury* and *Barkshire*, Mr. Secretary *Cook* and Sir *Henry Vane*. The Deputies on the Scots part were the Earl of *Rothes*, the Earl of *Dumferling*, the Lord *Lowdon*, Sir *William Douglass* Sheriff of *Tividale*, to whom were afterwards added Mr. *Alexander Henderson* Minister of *Edenburgh*, and Mr. *Archibald Johnston* Register of the late Assembly at *Glasgow*.

His Majesty was induced to enter upon this way of Treaty upon several weighty Considerations; for he found it not only agreeable to his own Natural and Princely Inclinations to clemency, but the Rules of Reason and necessity, suitable to the advice of those in whom he reposed the greatest confidence, particularly my Lord of *Canterbury*, who however the Scots took to be, and after prosecuted with implacable malice as their greatest Enemy, yet in this affair manifested himself a Friend to the Peace of the Nations. His Majesty was satisfied that he had great Reason to be jealous of the fidelity of some of the most considerable persons in his Army, he saw that, by their influence, the Ardour of those gallant Troops was much abated, that his Party and Interest in *Scotland* was very inconsiderable, that it was like to be a work which would take up more time and money than His Majesties present Circumstances would allow, that possibly by fair means he might work off some of the principal Covenanters, and by a little compliance wast their first heat and fury till the better posture of his affairs might give him opportunity to make a more advantageous Composure.

Upon Monday the *Scottish* Commissioners desired their attendance might be deferr'd till the day following, which was granted. Upon which day the Commissioners on both sides met about Ten of the Clock at the L. Generals Tent, where being about to enter upon their Conference, His Majesty came in, and having taken his Seat, he told the *Scottish* Commissioners, that he had been informed that they complained they could not be heard; that therefore he was now come in person to hear what they would say. Whereupon the L. *Rothes* making great protestations of their Loyalty, acquainted His Majesty that their humble desires were that they might be secured in their Religion and Liberties. After him the Lord *Lowdon* began to Apologize for their former Actions, and to excuse the way of their Menage and proceedings, to which His Majesty turning short upon him told them, That he would not admit of any of their excuses for what was past; but if they came to sue for Grace, they should set down their desires particularly in writing, and in writing they should receive his answer; whereupon the *Scottish* Commissioners withdrew, and after some debate among themselves, they copied out of a Paper which they had brought with them the Heads of what they desired, and returning tendred the same to His Majesty as follows.

The humble desires of His Majesties Subjects of *Scotland*, &c.

**F**irst, It is our humble desire, That His Majesty would be pleased to assure us, that the Acts of the late Assembly holden at *Glasgow* by His Majesties Indiction, shall be ratified in the ensuing Parliament to be holden at *Edenburgh*, July 23. since the Peace of the Kirk and Kingdom cannot endure farther Prorogation.

Secondly, That His Majesty, out of his tender Care of the preservation of our Religion and Laws, will be graciously pleased to declare, and assure, That it is his Royal Will, that all Matters Ecclesiastical be determined by the Assemblies



‘ Assemblies of the Kirk, and Matters Civil by Parliament. Which for  
‘ His Majesties Honour, and keeping Peace and Order amongst His Sub-  
‘ jects, in the time of His Majesties personal Absence, would be holden  
‘ at set times, once in two or three years.

‘ Thirdly, That a blessed Pacification may be speedily brought about,  
‘ and His Majesties Subjects may be secured; Our humble Desire is, That  
‘ His Majesties Ships and Forces by Land be recalled; That all Persons,  
‘ Ships, and Goods Arrested, be restored, and we made safe from Inva-  
‘ sion. And that all Excommunicate Persons, Incendiaries, and Informers  
‘ against the Kingdom, who have out of malice caused these Commotions  
‘ for their own private Ends, may be returned to suffer their deserved Cen-  
‘ sure and Punishment, and some other Points, as may best conduce to  
‘ this happy Pacification.

‘ As these are our humble Desires, so it is our Grief that His Majesty  
‘ should have been provoked to Wrath against us His most humble and  
‘ loving Subjects. And it shall be our delight, upon His Majesties gracious  
‘ assurance of the Preservation of our Religion and Laws, to give Example  
‘ to others of all Civil and Temporal Obedience which can be required  
‘ or expected of Loyal Subjects.

This Paper being read His Majesty told them, That for the better clear-  
ing of Particulars, He Expected from them the Grounds and Reasons of  
their desires, they answered, they could neither suddenly set them down,  
nor without the advice of the rest of their Party; whereunto His Majesty  
replied, That He had no Design to surprize them, and therefore they  
should have time until *Thursday* next to bring in their Reasons in writing.  
The Lord *Lowdon* said, Their desires were only to enjoy their Religion  
and Liberties, according to the Ecclesiastical and Civil Laws of the King-  
dom of *Scotland*; and in clearing Particulars they would not insist upon  
any that were not such. His Majesty desired him to set this down in writing  
under his hand, as judging it a very fair and advantageous foot to begin  
a Treaty upon, which he did in these words.

Memorandum, *That our Desires are only the enjoying of our Religion and  
Liberties, according to the Ecclesiastical and Civil Laws of His Majesties  
Kingdom.*

*To clear by sufficient Grounds that the Particulars are such, we shall not  
insist to crave any Point which is not so warranted. And we humbly offer all  
Civil and Temporal Obedience to your Majesty, which can be required or ex-  
pected of Loyal Subjects.*

Signed, L O W D O N.

So soon as this Paper was read His Majesty departed; the *Scotish* Com-  
missioners and the *English* Lords dined with the L. General, and about  
two of the Clock parted to their Camp at *Dunee*.

Upon *Thursday* the day prefixed, the *Scotish* Commissioners returned,  
bringing with them *Henderson* and *Johnston*, and presently after they were  
come to the General's Tent, His Majesty with the Marquess *Hamilton*,  
whom His Majesty had sent for from the *Frith*, and was now arrived,  
came to the Conference.

*Thursday, June  
13. The Tre-  
aty continued.*



1639.

His Majesties  
Answer to the  
Lord *Lowdon's*  
*Memorandum.*

His Majesty caused a Paper in Answer to what the Lord *Lowdon* had signed at the last meeting, to be read and delivered to the *Scottish* Commissioners as followeth.

**T**hat whereas His Majesty, the Eleventh of June, received a short Paper of the General Grounds and Limits of their humble Desires; His Majesty is graciously pleased to make this Answer.

That if their Desires be only the enjoying of their Religion and Liberties, according to the Ecclesiastical and Civil Laws of His Majesties Kingdom of Scotland, His Majesty doth not only agree to the same, but shall always protect them to the uttermost of His Power: And if they shall not insist upon any thing but that is so warranted, His Majesty will most willingly and readily condescend thereunto; so that in the mean time they pay unto him that Civil and Temporal Obedience which can be justly required and expected of Loyal Subjects.

At His Majesties Camp, the thirteenth of *June*, 1639.

The *Scottish* Commissioners then tendred to His Majesty a Paper containing the Reasons and Grounds of their Desires in these words.

*Reasons and Grounds of our humble Desires, delivered the Thirteenth of June.*

**W**E did first humbly desire a Ratification of the Acts of the late Assembly in the ensuing Parliament.

First, Because the Civil Power is keeper of both Tables; and where the Kirk and Kingdom are one Body, consisting of the same Members, there can be no firm Peace, nor stability of Order, except the Ministers of the Kirk in their Consultations may press the Obedience of the Civil Laws and Magistrate, and the Civil Power add their Sanction and Authority to the Constitutions of the Kirk.

Secondly, Because the late General Assembly Indicted by His Majesty, was lawfully constituted in all the Members, according to the Institution and Order prescribed by Acts of former Assemblies.

Thirdly, Because no Particular is Enacted in the late Assembly, which is not grounded upon the Acts of preceeding Assemblies; and is either expressly contained in them, or by necessary Consequence may be deduced from them.

That the Parliament be kept without Prorogation, His Majesty knows how necessary it is, since the Peace of the Kirk and Kingdom calls for it without further delay.

We did secondly desire, That His Majesty would be pleased to declare and assure, That it is His Royal Will that all Matters Ecclesiastical be determined by the Assemblies of the Kirk, and Matters Civil by the Parliament, and other Interior Judicatories established by Law; because we know no other way of the preservation of our Religion and Laws.

And because Matters so different in their Nature, ought to be treated respectively in their own proper Judicatories, it was also desired, That

Parliaments



‘Parliaments might be holden at set Times, as once in two or three Years,  
‘by reason of His Majesties personal Absence, which hindereth His Sub-  
‘jects in their Complaints and Grievances, to have immediate access unto  
‘His Majesties Presence.

1 6 3 9.  
~~~~~

‘And whereas His Majesty requires us to limit our Desires, to the en-
‘joying of our Religion and Liberties, according to the Ecclesiastical and
‘Civil Laws respective, we are heartily content to have the occasion
‘to declare, That we never intended it farther than the enjoying of our
‘Religion and Liberties.

‘And that all this time past, it was from our Thoughts to desire to di-
‘minish the Royal Authority of our Native King, and Dread Sovereign,
‘or to make an Invasion upon the Kingdom of *England*, which are the
‘Calumnies forged and spread against us by the Malice of our Adversaries;
‘and for which we humbly desire, That in His Majesties Justice they may
‘have their own Censure and Punishment.

‘Thirdly, We desire a blessed Pacification, and did express the most
‘ready and powerful means which we could conceive for bringing the
‘same speedily to pass, leaving other means serving for that End, to His
‘Majesties Royal Consideration, and great Wisdom.

To this Paper His Majesty told them they should receive an Answer
upon *Saturday*; upon which day being the Fifteenth of *June* His Majesty
commanded a Declaration to be read being an Answer to the desires of
the Covenanters. After the reading it was delivered to the *Scotish* Com-
missioners who withdrew into another Room to consider of it; and after
a little time returned with their Exceptions to some particulars contained
in the said Declaration. At length with some alterations it was accorded
by them, only they craved Liberty of His Majesty till *Monday* to shew
it to their Confederates, and return their Answer: Accordingly upon
Monday they returned, and in the Name of all the Covenanters gave His
Majesty most humble thanks for His Gracious Answer he had given their
Petition in His Declaration: which was as followeth.

The Treaty
and Pacificati-
on accorded.

His Majesties Declaration.

WE having considered the Papers, and humble Petiti-
ons presented unto Us by those of Our Subjects of
Scotland, who were admitted to attend our Pleasure
in the Camp; And after a full hearing by Our
Self of all that they could say or alleage thereupon, having com-
municated the same to Our Council of both Kingdoms, upon
mature deliberation, with their unanimous Advice, We have
thought fit to give this just and gracious Answer.

That though We cannot condescend to ratifie and approve the
Acts of the pretended General Assembly at Glasgow, for many
grave and weighty Considerations which have happened
before and since, much importing the Honour and Security of
that true Monarchical Government lineally descended upon Us
from so many of Our Ancestors: Yet such is Our gracious Plea-
sure, That notwithstanding the many Disorders committed of
late, We are pleased not only to confirm and make good what-
soever

1639.

soever our Commissioner hath granted and promised in Our Name, but also We are further graciously pleased to declare and assure, that according to the Petitioners humble Desires, all Matters Ecclesiastical shall be determined by the Assembly of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories established by Law. Which Assemblies accordingly shall be kept once a Year, or as shall be agreed upon at the General Assembly.

And for settling the general Distractions of that Our Ancient Kingdom, Our Will and Pleasure is, That a Free General Assembly be kept at Edinburgh, the sixth day of August next ensuing, where we intend (God willing) to be personally present. And for the legal Indiction whereof, We have given Order and Command to Our Council; and thereafter a Parliament to be held at Edinburgh the twentieth day of August next ensuing, for ratifying of what shall be concluded in the said Assembly, and settling such other things as may conduce to the Peace and Good of Our Native Kingdom; and therein an Act of Oblivion to be passed.

And whereas We are further desired that Our Ships and Forces by Land be recalled, and all Persons, Goods, and Ships restored, and they made safe from Invasion, We are graciously pleased to declare, That upon their disarming and disbanding of their Forces, dissolving and discharging all their pretended Tables and Conventicles, and restoring unto Us all Our Castles, Forts, and Ammunition of all sorts; as likewise Our Royal Honours, and to every one of Our good Subjects, their Liberties, Lands, Houses, Goods, and Means whatsoever, taken and detained from them since the late pretended General Assembly, We will presently thereafter recall Our Fleet, and retire Our Land-Forces and cause restitution to be made to all Persons of their Ships and Goods, detained and arrested since the foresaid time. Whereby it may appear, that Our Intention of taking up of Arms, was no ways for invading of Our Native Kingdom, or to innovate the Religion and Laws, but merely for the maintaining and vindicating of Our Royal Authority. And since that hereby it doth clearly appear, That We neither have nor do intend any alteration of Religion or Laws, but that both shall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their several Petitions they have often professed. And as We have just reason to believe, that to Our peaceable and well-affected Subjects this will be satisfactory, so We take God and the World to Witness, That whatsoever Calamities shall ensue by Our necessitated suppressing of the Insolencies of such as shall continue in their disobedient Courses, is not occasioned by Us, but by their own procurement.

Upon Thursday, June 18. The *Scotish* Commissioners repaired to the Royal Pavilion, where His Majesty Signed the foresaid Declaration. And the *Scotish* Commissioners Signed the following Articles on their part, as follows.

Articles

Articles agreed upon.

I.

THE Forces of Scotland to be Disbanded and Dissolved within eight and forty hours after the publication of his Majesties Declaration, being agreed upon.

The Articles of Peace on the part of the Scots.

II.

His Majesties Castles, Forts, Ammunitions of all sorts, and Royal Honours to be delivered after the said publication, so soon as his Majesty can send to receive them.

III.

His Majesties Ships to Depart presently after the delivery of the Castles, with the first fair Wind, and in the mean time no interruption of Trade or Fishing.

IV.

His Majesty is graciously pleased to cause to be restored, all Persons, Goods, and Ships, Detained and arrested since the first day of November last past.

V.

There shall be no Meetings, Creatings, Consultations, or Convocations of his Majesties Lieges, but such as are warranted by Act of Parliament.

VI.

All Fortifications to desist, and no further working therein, and they to be remitted to his Majesties pleasure.

VII.

To Restore to every one of his Majesties good Subjects their Liberties, Lands, Houses, Goods, and Means whatsoever, taken or Detained from them by whatsoever means since the foresaid time.

Two Copies of which Articles were made, the one was Signed by Mr. Secretary Cook, the Earl of Sterling Secretary of Scotland, the Earl of Rothes, the Earl of Dunfermling, the Lord Lowdon, Sir William Dowglass, Alexander Henderson, and Archibald Johnston, which was left in the Custody of Mr. Secretary Cook. The other Counterpart was Signed by Mr. Secretary Cook and the Earl of Sterling, which was delivered to the Scottish Commissioners.

The said Commissioners did also Sign another Paper of Submission to His Majesty, which was in these words.

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In the Camp, the Eighteenth of June, 1639.

IN Obedience to His Majesties Royal Commands; We shall, upon Thursday next the twentieth of this June, dismiss our Forces, and immediately thereafter deliver His Majesties Castles, &c. And shall ever in all things carry our Selves like Humble, Loyal, and Obedient Subjects.

Subscribed,

Roths
Dumferling
Alexand. Henderson

Lowdon
Douglas
Arch. Johnston.

The further
promises of
the *Scotish*
Commissioners.

The *Scotch*
Army dis-
banded.

They did also Engage to His Majesty that they would cause His Majesties Declaration to be published in their Army; which accordingly was performed by Lyon King of Arms of Scotland, on Thursday, June the 20th, in the presence of the Earl of Morton, Sir Edmond Verney, Sir John Burroughs, Commissioners deputed by His Majesty to see it executed. And upon that day the *Scotish* Army was disbanded.

Upon Saturday, June 22. His Majesty came from the Camp at the Birks, to Berwick; And upon the Monday following that Gallant Army was dismissed.

The Lord Deputy receiving Advice of the Conclusion of the Peace, proposed several things to His Majesties Consideration in this following Letter.

May it please your Sacred Majesty,

The Lord De-
puties Letter
to the King
upon the con-
clusion of the
Peace.

UPON the return of Sir Henry Bruce from the Earl of Antrim, we found the Judgment he gave of that Action, no way differing, indeed totally confirming our Opinion therein; yet we held it fit to stay him here, expecting the return of my Servant, and what your Majesty might be pleased thereby to direct in that Particular: But so long had cross-Winds detained that Messenger at White-haven, as with him also came a later Dispatch, wherein were the News of the Accommodation with those of the Covenant, which at present sets a Period both to the Designs of that Lord, and all others of that kind.

And considering Sir Henry will be pleased to deliver this Letter, my Discourse needs to be the less, being a Gentleman able to represent unto your Majesty the outward state of these Affairs, which, God be praised, move still upon the Grounds of Quietness towards the Publick, of perfect Obedience toward your Majesty, and certainly so would have continued, amidst those late threatened Troubles and Distractions of your other two Kingdoms.

If your Majesty vouchsafe to speak with Sir Henry Bruce, you may be fully satisfied in all Particulars, and in my poor Belief, it may be of use to your Service to hear him, being of right good Affection to your Person, and one whose Truth and Understanding in his own Profession, are of much clearness and consideration.

This Testimony I must also give, as well of Captain Read as of himself, That I found them exceeding forward to serve the Crown; and, in truth, I deem both of them Gentlemen worthy your Majesties gracious Esteem, Employment, and Trust.

Notwith-

Notwithstanding this sudden turn, we resolve to use all diligence in taking the Oath of the Scots, in such sort as was formerly prescribed, as holding it still to be of very great use and advantage, a little to allay, and render less positive those Demands your Majesty perchance may meet with in the next Assembly of the Covenanters, when they find that all are not minded as themselves, nor dancing after their Pipe.

Likewise we shall, if not otherwise directed, go on to provide (against all Events) your Magazines here, of ten thousand Foot, and one thousand Horse Arms, with all other Ammunitions proportionable thereunto.

All your gracious Directions, tending to an universal and lasting Peace, shall be on this side punctually pursued and fulfilled; may all Affections be rightly set and inclined for the accomplishment of so blessed a Work.

Yet admit my attention to your Sacred Person, and prosperity of your Affairs, most humbly to beseech your Majesty, not only to keep your Garrisons of Berwick and Carlisle strong, and well provided of all kind of Stores, but to perfect the Fortifications at Leith; and if possible, to put in a good Power there also, of Men approved for their Faith and Zeal to the Service of your Crown; for so total a defection as hath appeared in that People, is not to be trusted with your Sacred Person over-early, if at all; and this the rather, for that I conceive your Designs, and Royal Purposes thus sustained, will have also an excellent furtherance and operation amongst the Subjects in England.

I should not write thus much, but that I full well know the Goodness, Wisdom, and Secresie of my Master, having otherways sufficiently contracted already the ill-will of many of the Scottish Nation: Howbeit for which Transgressions, in good Faith I know not, the best is I apprehend not much, being already seated so low, as I have not far to fall. God long preserve your Majesty.

Your Majesties

most faithful, and most humble

Subject and Servant,

WENTWORTH.

Here by the way the Reader shall observe a neat piece of Presbyterian Hypocrisie in *Alexander Henderson* the Minister of *Edinburgh*, the most rigid of the Faction, and the main Engine by whom the Covenanting Lords wound up the Mobile and Clergy to those heights. For it had been by him and his party made a great Crime in the Bishops and Clergy, to meddle in Secular and Civil Affairs; and this Opinion was universally propagated through the whole party, and stisly maintained by them to this day; yet to see the admirable Effects of Presbytery, this very man thrusts himself into the heat of War, Marches and Encamps with an Army, Treats and Advises as a Commissioner, and to his Eternal reproach gives a Testimony of Hypocrisie against himself and all the Associates of his Opinion, signing this Treaty, which was purely Civil, with his own hand.

An Observation of Hypocrisie upon *Henderson* the Arch-Presbyterian Covenanting Minister.

During the King's stay at *Berwick*, He sent for fourteen of the principal Covenanting Lords to come to the Court, to try if possible to draw them

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The King takes care of a Commissioner for Scotland, and pitches upon the M. Hamilton.

But alters His Resolution upon these Reasons.

off from those desperate designs in which that Party was Embarked; giving Commission to the Marquess *Hamilton* to try what way he could gain upon them, and discover the bottom of their Intentions, how the Estate of the Bishops should be supplied in Parliament, and how far they designed to lessen the Kings Authority. But the Covenanters jealous lest the King having gotten these Lords into his Power, might break all their measures by making them Prisoners; sent only the Earl of *Montross*, *Lowdon* and *Lowtkion*: Which indignity and mistrustful deportment the King was highly sensible of; and from thence not judging it expedient to confide in those who would not trust His Royal Word and Honour, He resolved not to be personally present at the approaching Parliament, as he before intended; to which resolution the following Insolencies of the Covenanters after the Treaty contributed not a little.

Care was now to be taken to appoint a Commissioner for the ensuing Parliament, and His Majesty had some thoughts of returning the Marquess *Hamilton* with the same Character; but he diverted the King from that resolution by the Reasons he presented to His Majesty, July 8. in these words.

I F your Majesty give way to the Covenanters Demands, it would be seriously considered which will be the fittest way to do it; if by Your Majesties Own Personal Presence, or by a Commissioner; if your Self, I shall say in that case nothing in this Paper; if by a Commissioner, then give me leave humbly to represent to your Majesties Consideration, how unfit it is that I should be employed.

I. The Hatred that is generally carried me, and in particular by the chief Covenanters, will make them (hoping thereby either to ruin me, or at least make my Service not acceptable) stand more peremptorily on these other Points of Civil Obedience, which Your Majesty aims at, than they would do to one that is less hated.

II. Since they are the same men I have formerly treated with, who now again must be principally used, they cannot but find these Particulars, which I have so often sworn, and said, Your Majesty would never condescend to, will now be granted: therefore they will give no credit to what I shall say thereafter, but will still hope and believe, that all their Desires will be given way to, thinking, as they have often said, that I had Power to condescend to more, but would not, that I might endear my self to Your Majesty, and be thought a deserving Servant, in procuring more than you was content to accept of; and so will for this cause stand upon those Points with me, which they would not do with any other, who they could not but believe would freely grant (to oblige them) all such things as he had Power from Your Majesty to grant; and trust him when he said he could go no further, and so rather accept of that than adventure on a new Breach.

III. The rage and malice of the People is such against me, that I am not only advertised, but advised from many amongst them, who pretend to love me, not to come into the Kingdom employed as a Commissioner; for it will be impossible for me to escape Affronting, If I do with my Life. I do not mention this out of a care to preserve it with the prejudice of your Service, but I know Your Justice and Goodness is such, that You would not suffer that Injury to go unpunished, which would consequently bring alongst with it the losing of Your Majesties End, of Establishing this Business in a peaceable way.

IV. If

IV. If Your Majesty should longer continue me Your Commissioner, it would confirm in them the Opinion which hath already possessed them, that Your Majesty intends to govern that Kingdom by a Commissioner, which is not more grievous to the Covenanters than it is to the Officers of State: Whereas (on the contrary) if your Majesty make choice of a New one, they will think it is only for the present Service. and so rest both of them secure in that point; and Your Service consequently go the smoother on: for they will fancy, if it prosper in my hands, that then I may like the Employment so well, as I would not willingly quit it; but if it miscarry, then neither I nor any other would be desirous to undergo that Charge, and so they be freed of a Commissioner.

V. I am thought to have been a chief Instrument in moving Your Majesty to resent their Carriage in such sort as you have done: which will cause in them, for my sake, not onely a Dislike of all that shall pass through my hands, but even an Undervaluing, or at least not that hearty Acknowledgment of such favours as Your Majesty conferreth on them, which they would do if another were employed; whom they would endeavour to gain for their own Ends, and hoping to make him theirs, would not onely seem to be contented, but endeavour to make Your Majesty, the World, and himself, believe they were so, Whereas (on the contrary) they would be ever repining, and not give that obedient Acquiescing, if I be continued, as otherwise would be if any other were employed.

VI. If Your Majesty should at this time continue me Your Commissioner, they would apprehend that I might resent the many particular Injuries done me, and so be a mean to work them prejudice, if it were but to revenge my self, wh. ch will not onely cause Jealousie in them, but an earnest endeavouring to make me incapable to prejudice them; which cannot more easily be effected than by frustrating and crossing my Intentions of serving your Majesty: Whereas if another be employed, they will not apprehend it to be in my Power to prejudice them, and so be freed of that Fear, and consequently give way to those things in another Mans person, which they would not do if I be still employed.

VII. They know that I am so well acquainted with their Ways and Proceedings, and that my Heart is so streight to Your Majesties Service, that I will not conceal any thing from You; either of their by-past Actions, or any thing that shall be done of new: Whereas if Your Majesty employed another, they will be in hope that what is past is not so well known to him, and so will be forgot, or if remembred by me, it will serve to no end, I being out of Place; and that perhaps he will be more sparing of speaking than I have been, or that he is to be gained to their Party: for which end hoping he may prove for the future useful to them, they may comply with him for the present in divers things, which they would not do if I be continued.

VIII. There are so many of Your Majesties Subjects of all sorts, whom I have persuaded to resist the Ways of the Covenanters to their great prejudice, that I shall be infinitely pressed by them to move Your Majesty for their Relief, and I challenged of my Promise, that whosoever suffered for that Cause, Your Majesty would restore to the full to them, the doing whereof would draw on Your Majesty a great Charge; and if they find it not performed to them by me continuing Commissioner, it is probable they will then joyn with the Covenanters: whereas if Your Majesty employ another, they will not know so well how to address themselves to him, nor be in despair of obtaining it hereafter, and so continue still in the way they are in.

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IX. *This Work will make me (I fear) even lose Your Majesties Favour ; for I know it is so odious to You, that I have cause to apprehend that You will not like the Actor : or though Your Goodness will permit You to look upon him, because what he did was by Your Command ; yet it may be imagined that Your Honour will oblige You not to seem to care for him. Sure I am of this, that whereas I am perfectly hated by all Your Subjects who have withstood Your Majesty, (if it shall please you to lay this Employment upon me) I shall hereafter be, by all who wish Prosperity to Your Affairs in both Kingdoms ; and where or how I may be called to an Account for this Undertaking, I know not : and a business of that nature I take it to be, that a Pardon ought humbly to be begged, before it be meddled in, seeing it is an Act so derogatory to Kingly Authority.*

Give me leave humbly to represent unto Your Majesty, if it be fit either for an Honest man or a Gentleman, to be made the Instrument of doing that which he hath so often in publick and private condemned in so high a degree, and withstood to the certain loss of most of my Countrey, and many of Your Majesties Court and Kingdom of England. Nor can I ever hope to live without perpetual Accusations of such who will find themselves grieved by that which will be done ; for not dissuading Your Majesty from this course, or at least for accepting that Employment, and proving Your Instrument therein. This I could enlarge, for much thereof I have already heard ; but I have presumed too much : yet I hope Your Majesty will pardon me, since these Arguments are (as I conceive) used for Your Service, the Good of which shall be ever preferred by me, before either Life or Fortune ; which I would willingly expose to all Dangers, rather than You shall be pleased to lay this Employment on me, for Your Majesties Affairs will be infinitely prejudiced thereby.

All which I humbly beseech Your Majesty to take into Your Royal Consideration.

Montross gained to the Kings Interest.

The King discovers the purposes of the Covenanting Faction in the approaching Parliament.

Traquair designed L. Commissioner.

The King had intirely gained *Montross* to His Party and Interests, and much benefited the Earls of *Lowdon*, and *Lowthian* ; and from them He penetrated into the Resolutions of the Covenanters which were in the next Parliament to rescind and abrogate all former Acts of Parliament for Establishing Episcopacy ; to alter the course of bringing in things to the Parliament by the Lords of the Articles, as being a prelimitation upon the Parliament. Great and many consultations were held hereupon in order to the finishing Instructions for the Earl of *Traquair*, who was now appointed His Majesties Commissioner. *Marquess Hamilton* who had been in *Scotland* to take possession of the Castle of *Edinburgh*, to furnish it with Ammunition from the Fleet, and then to dispatch it out of the *Frith*, had met with such rude Treatment as made him sensible of the temper of the Faction, stated all the *Scotish* Affair in a Paper which he presented to His Majesty at *Berwick*, July the 5th, in these words.

The state of Question about the *Scotish* Affairs.

To leave all that is past, the *Questien* is briefly ;
W Hether the Assembly and Parliament now indicted is fittest to be held or discharged ?

If held, the Success of the Assembly will be the Ratifying of what was done at Glasgow ; or if that point be gained, yet certainly most of the Acts that were made there will of new be Enacted : Nor is there any hope to prevent their finding Episcopacy to be abjured by their Covenant, and the Function against the Constitution of their Church.

This

This will be by the Members of Parliament ratified, and put to the King's Negative Voice; and if it be not condescended to by him, it is more than probable, that His Power even in that Court, and in that Place will be questioned.

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If it will be discharged, nevertheless the Assembly be kept by the Rebels, and the same things done in it by them, and thereafter maintained by the generality of the Kingdom, this consequently will bring along with it the certain loss of Civil Authority, and so necessitate the re-establishing the same by Force, or otherwise the desertion of that Kingdom.

So it is to be resolved on, Whether it be fit to give way to the Madneſs of the People, or of new to intend a Kingly Way?

If way be given to what is mentioned, it is to be considered in that case, if the King shall be personally present, who shall be employed, and how instructed?

If the Kingly Way be taken, what shall be the means to effectuate the intended End: particularly how Money may be levied for the waging of this War, and if that be feasible without a Parliament?

If a Parliament, what the Consequence may prove? So all may be summed up in this; Whether to permit the Abolishing of Episcopacy, the lessening of Kingly Power in Ecclesiastick Affairs, the Establishing Civil Authority in such manner as the Iniquity of the Times will suffer, and to expect better; and what will be the Consequence of this if way be given thereto: or to call a Parliament in England, and leave the event thereof to hazard and their discretions, and in the interim Scotland to the Government of the Covenanters?

After many private Consultations between the King, the Marquess and the Earl of Traquair, His Majesty appearing infinitely tender for Episcopacy, He was prevailed with by this Reason offered by Traquair to Sign the following Instructions. That His Majesty might notwithstanding whatever the Parliament could do, whenever He was in a better Capacity introduce Episcopacy, because the Bishops being by all the Laws of Scotland, one of the three Estates of the Parliament, no Act that passed without them would be of force, much less an Act for their Abolition, especially they not appearing or consenting to it, but protesting against it.

Instructions for the Earl of Traquair, Lord High-Commissioner for Scotland.

C. R.

AT the first meeting of the Assembly, before it be brought in dispute who shall preside, you shall appoint him who was Moderator in the last Assembly, to preside in this till a new Moderator be chosen.

We allow that Lay-Elders shall be admitted Members of this Assembly; but in case of the Election of Commissioners for Presbyteries, the Lay-Elders have had Voice, you shall declare against the informality thereof; as also against Lay-Elders having Voice in Fundamental Points of Religion.

At the first opening of the Assembly, you shall strive to make the Assembly sensible of Our Goodness, that notwithstanding all that is past, whereby We might have been justly moved not to hearken to

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to their Petitions, yet We have been graciously pleased to grant a free General Assembly; and for great and weighty Considerations, have commanded the Arch-Bishops and Bishops not to appear at this Assembly.

You shall not make use of the Assessors in publick, except you find you shall be able to carry their having Vote in the Assembly.

You shall labour to your utmost, that there be no Question made about the last Assembly; and in case it come to the worst, whatever shall be done in Ratification, or with relation to the former Assembly, Our Will is that you declare the same to be done as an Act of this Assembly, and that you consent thereto only upon these terms, and no ways as having any relation to the former Assembly.

You shall by all means shun the Dispute about Our Power in Assemblies; and if it shall be urged, or offered to be disputed, whether We have the Negative Voice, or the sole Power of Indicting, and consequently of Dissolving, except you see clearly that you can carry the same in Our Favour, stop the Dispute; and rather than it be decided against Us, stop the course of the Assembly until We be advertised.

For the better facilitating of Our other Services, and the more peaceable and plausible Progress in all Businesses recommended to you, We allow you at any time you shall find most convenient, after the opening of the Assembly, to declare, That notwithstanding Our own Inclination, or any other Considerations, We are contented for Our Peoples full satisfaction, to remit Episcopacy, and the Estate of Bishops to the freedom of the Assembly; but so, as no respect be had to the determination of the Point in the last Assembly.

But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any Warrant from the Bishops; and if any offer to appear for them, you are to enquire for their Warrant, and carry the Dispute so, as the conclusion seem not to be made in prejudice of Episcopacy as unlawful, but only in satisfaction to the People for settling the present Disorders, and such other Reasons of State: But herein you must be careful that Our Intentions appear not to any.

You shall labour, that Ministers deposed by the last Assembly, or Commissions flowing from them, for no other cause but the subscribing the Petition or Declinator against the last Assembly, be upon their submission to the determination of this Assembly, reponed in their own places; and such other Ministers as are deposed for no other Faults, that they be tried of new; and if that cannot be, strike that Commissions may be directed from this Assembly for trying and censuring them, according to the nature of their Process.

That immediately upon the conclusion of this Assembly, you Indict another at some convenient time, as near the expiring of the Year as you can; and if you find that Aberdeen be not a Place agreeable, let Glasgow be the Place; and if that cannot give content, let it be elsewhere.

The General Assembly is not to meddle with any thing that is Civil, or which formerly hath been established by Act of Parliament, but upon His Majesties special Command or Warrant.

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We will not allow of any Commissioner from the Assembly, nor no such Act as may give ground for the continuing of the Tables, or Conventicles.

In case Episcopacy be abolished at this Assembly, you are to labour that We may have the power of choosing of so many Ministers as may represent the fourteen Bishops in Parliament: or if that cannot be, that fourteen others whom We shall present be agreed to, with a power to chuse the Lords of the Articles for the Nobility for this time, until the Business be further considered upon.

We allow that Episcopacy be abolished, for the Reasons contained in the Articles, and the Covenant 1580. for satisfaction of our People be subscribed, provided it be so conceived, that thereby Our Subjects be not forced to abjure Episcopacy as a Point of Popery, or contrary to God's Law, or the Protestant Religion; but if they require it to be abjured, as contrary to the Constitution of the Church of Scotland, you are to give way to it rather than to make a breach.

After all Assembly Business is ended, and immediately before Prayers, you shall, in the fairest way that you can, protest, That in respect of His Majesties Resolution of not coming in Person, and that His Instructions to you were upon short advertisement, whereupon many things may have occurred, wherein you have not had His Majesties Pleasure; and for such other Reasons as occasion may furnish, you are to protest, That in case any thing hath escaped you, or hath been condescended upon in this present Assembly prejudicial to His Majesties Service, that His Majesty may be heard for redress thereof in His own Time and Place.

At Berwick the 27th of July, 1638.

The King having in this measure palliated the Affairs of the North, returns for London. It was indeed hoped that His Majesties Condescensions would have softened the rigid Temper of the Covenanters into some degrees of Gratitude and Compliance with His Majesty. But they gave an early specimen of their Natures, and which afterwards they made apparent to the whole World, That they were utterly incapable of being either obliged or satisfied, and that every one of His Majesties Gracious Concessions was but the advancement of their confidence to a higher step in their demands, till they had mounted themselves to the top of the stairs of His Imperial Throne. For the Ink was scarce drie which had written and signed the Articles of the Accomodation, before they had broken them almost in every particular: for though they dissolved their Camp, yet they did not disband their Army, for they marched away and kept in great Bodies together contrary to the First. The Tables continued to sit and act, alledging it was necessary they should do so till all the danger were blown over, expressly contrary to the Fifth Article. The Marquis Hamilton was affronted, and hooted at by the People, reviled with the opprobrious Language of Traytor, Pyrate, Enemy to God and his Country,

The King returns from the North.

The temper of the Rigid Presbyterians.

The Articles of the Pacification broken almost as soon as made by the Scots.

The Insolence of the Covenanters.

Traquair

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The King willing to comply with the Scots in the Reformation of Episcopacy.

Traquair had the white staff pull'd out of his Officers hand as he was going to Council, and a Thousand Insolencies and Disorders were committed by the rude Rabble in affront to His Majesties Person and Government; which the ruling Faction of the Covenanters were so far from punishing that the Actors were never so much as reprehended for them: for they having brought things to this Period, and His Majesty having dismissed his Army, they thought they were secure of gaining their point; for they got honourable terms for the present, and were confident they should be in a better posture of defence before the King could again raise any considerable force against them.

His Majesty was no stranger to these proceedings, but he was willing to try them with the utmost Patience to see what the Assembly and Parliament would do, and that there might be no obstacle on his part he was resolved to comply with them to the furthest limits which were consistent with his Honour and Conscience; and though he was firmly resolved never to consent to the intire abolition of Episcopacy, yet he was willing for the present to give a little way to the Popular Rage, in hopes of a more favourable Crisis of affairs. For this purpose therefore he writ this following Letter to the *Scottish* Bishops, directed to the Archbishop of *St. Andrews*.

Right trusty and well-beloved Counsellor, and Reverend Father in God,
We greet you well.

The Kings Letter to the Archbishop of *St. Andrews*.

Your Letter. and the rest of the Bishops (sent by the Elect of Cathness) to my Lord of Canterbury, hath been by him communicated to Us: And after serious consideration of the Contents thereof, We have thought fit our Self to return this Answer to you for Direction, according to our Promise, which you are to communicate to the rest of your Brethren.

We do in part approve of what you have advised, concerning the prorogating of the Assembly and Parliament, and must acknowledge it to be grounded upon Reason enough, were Reason only to be thought on in this Business: but considering the present state of Our Affairs, and what We have promised in the Articles of Pacification, We may not (as We conceive) without great prejudice to Our Self and Service condescend thereunto; wherefore We are resolved (rather necessitated) to hold the Assembly and Parliament at the time and place appointed; and for that end We have nominated the Earl of *Traquair* Our Commissioner: to whom we have given Instructions, not only how to carry himself at the same, but a charge also to have a special care of your Lordships, and those of the Inferior Clergy, who have suffered for their Duty to God, and Obedience to Our Commands. And We do hereby assure you, That it shall be still one of Our chiefest Studies: how to Redifie and Establish the Government of that Church aright, and to repair your Losses, which We desire you to be most confident of.

As for your Meeting to treat of the Affairs of the Church, We do not see at this time how that can be done; for within Our Kingdom of Scotland, We cannot promise you any place of Safety; and in any other of Our Dominions We cannot hold it convenient

venient, all things considered; wherefore We conceive that the best way would be for your Lordships to give in, by way of Protestation or Remonstrance, your Exceptions against this Assembly and Parliament to Our Commissioner, which may be sent by any mean Man, so he be trusty, and deliver it at his entering into the Church; but We would not have it to be either Read or Argued in this Meeting, where nothing but partiality is to be expected, but to be represented to Us by him; which We promise to take so into Consideration, as becometh a Prince sensible of his own Interest and Honour, joyned with the Equity of your Desires; and you may rest secure, that though perhaps We may give way for the present to that which will be prejudicial both to the Church and Our own Government, yet we shall not leave thinking in time how to remedy both.

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We must likewise intimate unto you, that we are so far from conceiving it expedient for you, or any of my Lords of the Clergy to be present at this Meeting, as We do absolutely discharge your going thither; and for your absence, this shall be to you, and every of you, a sufficient Warrant: In the interim, your best course will be to remain in Our Kingdom of England, till such time as you receive Our further Order, where We shall provide for your Subsistence; though not in that measure as We could wish, yet in such a way as you shall not be in want.

Thus you have Our Pleasure briefly signified unto you, which We doubt not but you will take in good part: You cannot but know, that what We do in this, We are necessitated to; so We bid you farewell.

Whitehal, Aug. 6.

1639.

CHARLES R.

This Letter was delivered to the Earl of *Traquair*, and he was ordered to deliver it in his passage to *Scotland* to my L. of *St. Andrews* then at *Newcastle*: Upon the receipt of this Letter the Bishops signed this following Declinator, and put it into the L. Commissioners hand.

The Declinator of the Scottish Bishops.

Whereas His Majesty, out of his surpassing Goodness, was pleased to Indict another National Assembly for rectifying the present Disorders in the Church, and repealing the Acts concluded in the late pretended Assembly at *Glasgow* against all Right and Reason, charging and commanding Us the Archbishops and Bishops of the Church of *Scotland*, and others that have Place therein, to meet at *Edenburgh* the Twelfth of *August* instant, in hopes that by a peaceable Treaty and Conference, Matters should have been brought to a wished Peace and Unity: and that now we perceive all these Hopes disappointed, the Authors of the present Schism and Division proceeding in their wonted Courses of Wrong and Violence, as hath appeared in their presumptuous Protestation against the said Indiction; and in the business they have made throughout the

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Countrey,

1639.

Countrey, for electing Ministers and Laicks of their Faction to make up the said Assembly; whereby it is evident that the same or worse Effects must needs ensue upon the present Meeting, than were seen to follow the former. We therefore the Underscribers, for discharge of our Duties to God, and to the Church, committed to our Government under our Sovereign Lord the Kings Majesty, Protest, as in our former Declinator, as well for our Selves, as in Name of the Church of *Scotland*, and so many as shall adhere to this our Protestation, That the present pretended Assembly be holden and reputed *null* in Law, as consisting and made up partly of Laical Persons that have no Office in the Church of God, partly of Refractory, Schismatical, and Perjured Ministers, that contrary to their Oaths and Subscriptions, from which no humane Power could absolve them, have filthily refused, and so made themselves to the present and future Ages most infamous, and that no Church-man be bound to appear before them, nor any Citation, Admonition, Certification, or Act whatsoever, proceeding from the said pretended Meeting, be prejudicial to the Jurisdiction, Liberties, Priviledges, Rents, Possessions, and Benefices belonging to the Church, nor to any Acts of former General Assemblies, Acts of Council or Parliament made in favour thereof; but to the contrary, that all such Acts and Deeds, and every one of them, are and shall be reputed Unjust, Partial, and Illegal, with all that may follow thereupon.

And this our Protestation we humbly desire may be presented to His Majesty, whom we do humbly supplicate, according to the Practice of Christian Emperors in ancient Times, to Convene the Clergy of his whole Dominions, for remedying the present Schism and Division, unto whose Judgment and Determination we promise to submit our Selves and all our Proceedings.

Given under our Hands, at Morpeth, Berwick, and Holy-Island, the 10th and 11th of August, 1639.

Signed,

*St. Andrews.
Da. Edenburgen.
Jo. Rossen.
Tho. Galloway.*

*Wal. Brechin.
Ja. Lismoren.
Ad. Aberdon.*

How little hopes were to be conceived of any good Issue of affairs from the Covenanters will appear by a scandalous Paper which they dispersed, not only in *Scotland* but *England*, to confirm their own Party, and draw off more from their Loyalty and Allegiance. The Title of which Pamphlet was, some conditions of His Majesties Treaty with the Subjects of *Scotland* before the Nobility of *England*, are here set down for a remembrance. This Paper consisted of Eight points, pretended to be drawn out of Notes taken upon several Discourses with the King about the matter of his Declaration; a Copy being put into the Earl of *Pembrooks* hands, who delivered it to the King, and upon a full Examination of the matter before the King and Council, the *English* Lords who were privy to the whole transaction being present, it was adjudged very highly scandalous to His Majesties Person, Honour and Government, full of Gross mistakes, perverting the sense of His Majesties Declaration, and of most pernicious

Con-

Consequence upon the Peace of the Kingdoms, upon which this Proclamation was published,

1639.

A Proclamation published by the King declaring an Act of State, and the Kings Command concerning a scandalous Paper dispersed by the Scots among many of His Majesties Subjects.

Whereas a Paper containing many Falshoods, and tending much to the Dishonour of his Majesties late Proceedings in the Pacification given to his Subjects of Scotland, hath been dispersed in divers Parts of this Kingdom; whereupon an Act of Council hath been made in these words ensuing:

August 11.
An Act of State against the Scots concerning a scandalous Paper lately dispersed by them.

On Sunday the fourth of August, 1639. his Majesty being in Council, was pleased to acquaint the Lords with a Paper he had seen at Berwick, Entituled, Some Conditions of His Majesties Treaty with his Subjects of Scotland are set down here for remembrance. Which Paper being in most parts full of Falshood, Dishonour and Scandal to his Majesties Proceedings in the late Pacification, given of his Princely Grace and Goodness to his Subjects of Scotland, hath been very frequently spread here in England, and avowed by some in Scotland to have been approb'd and allowed as Truth by some of those Lords of England, who attended his Majesty, and were present at the Pacification in the Camp. Whereupon the Paper having been read, and his Majesty commanding those English Lords to declare their knowledge therein. The Earl Marshal first begun to put his Majesty in remembrance, that some few days after the Pacification was concluded, some of the Scottish Lords coming to the Lord Chamberlain's Tent, sent to speak with him, and the Earl of Holland, and offered them a certain Paper, which they pretended to have been collected for the help of their Memories, and not otherwise, nor to be published: But the said English Lords very dutifully and discreetly refused to accept that or any such Paper, but referred themselves totally to the Pacification in Writing. And the said Earl Marshal further declareth, That now upon the reading, he for his part held the said Paper for the most part false and scandalous, and no way agreeable to what his Majesty expressed at the Pacification.

Next the Lord Chamberlain declared, That he being ready to take horse, and a number of his Friends about him taking their leave. the Lord Loudon pressed him with much importunity to receive a Paper, which he took, not knowing what it contained; but at night when he came to his Lodging, doubting it might be some such Paper as had been formerly offered, and was refused, took it, without reading it, and sealed it up, and so kept it till he presented it to his Majesty at Whitehall, professing that till that time he had never read any one word of it, nor seen any other Copy thereof. Which Paper being that which had been divulged, was the same which his Majesty had commanded to be read at the Board.

The Earl of Salisbury likewise desired to justify himself of a particular Scandal laid upon him, that he had received and brought

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brought Copies of this Paper from the North; which he declared could not be because he was come away from the Camp before that Paper had been offered, and that he had never seen that, nor any Copy thereof, before his Majesties return to Theobalds.

After this the Lord Chamberlain, the Earls of Salisbury, Holland, and Barkshire, concurred with the Earl Marshal, That the Contents of that Paper were for the most part notoriously scandalous and false, and contrary to what his Majesty clearly expressed at the Pacification.

His Majesty likewise declared, that before his coming from Berwick he shewed a Copy of this scandalous Paper to the Earl of Lindley, the Earl of Holland, Master Treasurer, and Master Secretary Cook, who fully concurred in the aforesaid Opinion with the other Lords. All which Lords, and particularly the Earl of Holland, avowed the falseness thereof to the faces of those Scottish Lords who were believed to be the Divulgers of it, (the Lords of the Council of Scotland being there likewise present).

All which considered, the whole Board unanimously became humble Petitioners to his Majesty, That this false and scandalous Paper might be publickly burnt by the Hang-man.

The Assembly meets at Edinburgh.

About the middle of August the Assembly met at *Edinburgh*, where according to their wonted temper, they drive on furiously; and nothing less would satisfy them than a charge of down-right Popery against the Service-Book and Book of Canons, and of Tyranny against the High-Commission Court; and that Episcopacy must be abolished.

The proceedings of the Assembly.

For the satisfaction of the Reader, we shall give a short, but true draught of their proceedings.

Sess. 8. August 17. 1639.

Grahams Abjuration of Episcopacy.

Mr. George Graham's Abjuration of Episcopacy sometimes Bishop of *Orkney* was publickly read and Registred; wherein he expresses his grief and sorrow for having taken upon him the order of Episcopacy, affirming the same to have no warrant from the word of God, and to have been the occasion of many fearful and evil Consequences both in *Scotland* and other parts of Christendom; he therefore abjures all Episcopal Power and Jurisdiction, and swears by the great Name of the Lord God, while he lives, never directly or indirectly to exercise that Power in the Kirk, or to approve or allow it so much as in discourse, either publick or private.

Sess. 8. August 17, 1639.

An Act containing the Causes and Remedy of the by-gone Evils of the Kirk.

The main and most material causes of the past evils they say were, first the pressing of the Service-Book by the Prelates, the frame of which was Popish, containing divers Popish Errors and Ceremonies, and the seeds of manifold Superstitions and Idolatries, the Book of Canons Establishing a Tyrannical power over the Kirk in the persons of Bishops; with a Book of Consecration and Ordination having no warrant either Civil, Ecclesiastical,

ftical, or from the word of God. And a high Commission subverting the Jurisdiction of the Kirk, and giving to persons merely Ecclesiastical the power of both swords, and to persons merely Civil the power of the Keys.

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A second Cause was the Articles of *Perth*, viz. the observation of Festival days, kneeling at the Communion, Confirmation, Administration of the Sacraments in private places.

Thirdly, the Changing the Government of the Kirk from the Assemblies, to the persons of some Kirkmen usurping Authority over their Brethren by the name of Episcopal Government.

Fourthly, the Civil places and power of Kirkmen sitting and voting in Session, Council, Exchequer, Parliament and Bench, as Justices of Peace, lifting them up in worldly Pomp above their Brethren. *Alexander Henderson* had sure forgot his Pomp when this was penned, and the state of his being a fellow Commissioner at the Treaty at the *Birks*, which he signed in Company of the Lords and Earls.

Fifthly, the keeping and Authorizing corrupt Assemblies, viz. at *Linlithgow*, 1606. at *Glasgow*, 1610. at *Aberdeen*, 1616. at *St. Andrews*, 1617. at *Perth*, 1618. all which they declare *Null and Void*.

A sixth Cause, was the want of lawful and free General Assemblies rightly constitute of Pastors, Doctors and Elders yearly or oftner *pro re nata*, and above all that the breach of the National Covenant of the year 1580. had been the true and main cause of all the Evils and past Distractions.

Act Sess. 21, Aug. 29. 1639.

An Act anent keeping the Lords Day.

An Act for the Sabbath.

Considering that the Conventions of the People on the Sabbath Day are in many places very rare, not only in Harvest and seed time, but by distraction of other Labour; therefore the Assembly doth inhibit all Fishing for white fish or Salmon, salt pans going of Milns of all sorts upon the Sabbath upon pain of censures of the Kirk.

There were several other things as a supplication to have the Kings large Declaration recalled, and Dr. *Belcanquel* the Penman of it brought to Justice and punished for it; another to move the King to enjoyn and command the subscription of the Covenant by all his Subjects, and an Act ratifying their rejection of the Service-Book, Articles of *Perth*, &c. wherein they desire all they did might be ratified in Parliament.

Several other supplications of the Assembly.

In this Assembly the Covenanters gained that great Jesuitical point, the Explication of the Bond of mutual Defence, of which afterwards they made such advantages both in *Scotland* and *England*: it was thus worded.

WE do Swear, not only our mutual Concurrence and Assistance for the Cause of Religion; and to the utmost of our power, with our Means and Lives, to stand to the Defence of our Dread Sovereign and his Authority, in the Preservation and Defence of the said true Religion, Liberties, and Laws of this Kirk and Kingdom; but also in every Cause which may concern his Majesties Honour, We shall (according to the Laws of this Kingdom, and Duty of good Subjects) concur with our Friends and Followers in quiet Manner, or in Arms, as we shall be required of his Majesties Council, or any having his Authority.

The pernicious explication of the Covenant gained in this Assembly.

For

1639.

The ill use made of this Evasive Explication to combat His Majesties person by his Authority.

For when they took up Arms against His Majesty, they evaded this Oath by this Interpretation, that they swore to defend his Authority in the preservation of the true Religion, the Laws and Liberties of the Realms; and by severing the Regal power from the Person, they made use of the last Clause, *viz.* his Authority to take up Arms against his Person and his Party, who as they pretended invaded the Laws and Liberties of the Kingdoms, and were the greatest Enemies to the King and Religion.

The L. Commissioner having given His Majesty an Account of these transactions, received these following Directions from him :

CHARLES R.

Right Truly,

The King writes to Traquair, and gives him positive Instructions how further to proceed.

WE have hitherto commanded Hamilton to answer several of your Letters, but that of the 16th of August being of more weight than any of your former, We have thought fit to answer it Our Self.

And whereas you say, That nothing will satisfie them, except in terminis, the last Assembly be named and ratified, or that way be given to the discharging of Episcopacy as abjured in that Church, as contrary to the Confession of Faith 1580. and the Constitutions of the same, you being yet in some hope that the word Abjured may be got changed; and that in drawing up the words of the Act, it be only condemned as contrary to the Constitution of the Church: We in this point leave you to your Instructions, they being full, if you consider what We have said concerning Episcopacy, and subscribing the Confession of Faith 1580. We thinking it fit to declare hereupon unto you, That let their madness be what it will, further than We have declared in Our Instructions, in these Points We will not go.

For the Service-Book, and Book of Canons, though We have been and are content they be discharged, yet We will never give Our Voice nor Assent that they be condemned, as containing divers Heads of Popery and Superstition: in like manner, though We have been, and are content that the High-Commission be discharged, yet We will never acknowledge that it is without Law, or destructive to the Civil and Ecclesiastical Judicatories of that Our Kingdom: Nor that the Five Articles of Perth, though discharged with Our approbation, be condemned, as contrary to the foresaid Confession. As concerning the late Assemblies, We cannot give Our consent to have them declared Null, since they were so notoriously Our Father (of happy Memory) his Acts; it seeming strange, that We having condescended to the taking away of these things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an Aspersions on Our Fathers Actions. Wherefore if the Assembly will, in despite of your endeavour, conclude contrary to this, you are to protest against their Proceedings in these Points, and be sure not to ratifie them in Parliament.

Concerning the yearly Indiction of General Assemblies, and the Confession of Faith, We commanded Hamilton, in his of the 16th to answer that Point to this effect, That we think it infinitely to our prejudice that We should consent to tie our Self for the keeping yearly of their Assemblies, not needing to repeat the Reasons, they being well enough known to you; seeing at Berwick it was conceived upon debate of that Point, That your having power to Indict a new one within the Year, would save that Dispute, which you are by all means to eschew.

But

But if this will not give satisfaction, you are by no means to give your Assent to any such Act, nor to ratifie the same in Parliament.

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The Article in your Instructions, which is only, that the Covenant 1580. shall be subscribed, you must have an especial care of, and how you proceed therein; That the Bond be the same which was in Our Fathers time, mutatis mutandis; and that you give your assent no other ways to the interpretations thereof, than may stand with Our future Intentions well known to you; nor is the same otherwise to be Ratified in Parliament.

Thus you have Our pleasure fully signified in every particular of your Letter; which you will find no ways contrary to Our Resolution taken at Berwick, and Our Instructions given to you there. But if the madness of Our Subjects be such, that they will not rest satisfied with what We have given you Power and Authority to condescend to, which notwithstanding all their Insolencies We shall allow you to make good to them, We take God to Witness, That what misery soever shall fall to that Countrey hereafter, it is no fault of Ours, but their own procurement. And hereupon We do Command you, That if you cannot compose this Business according to Our Instructions, and what we have now written, that you Prorogue the Parliament till the next Spring; and that you think upon some course how you may make publickly known to all Our Subjects, what We had given you power to condescend to. And because it is not improbable that this way may produce a present Rupture, you are to warn and assist Ruthwen for the Defence of the Castle of Edinburgh; and to take in general the like care of all Our Houses and Forts in that Kingdom; and likewise to advertise all such who are affected to Our Service, that timously they may secure themselves; and so We bid you heartily farewell.

The Clause about Episcopacy was worded, That it was unlawful in this Church. Upon the 30th of Aug. the Covenant was subscribed by the Council, and the City of *Edinburgh* celebrated their joy, and the praises of *Traquair* with Demonstrations of Bells, Bonfires and Acclamations.

But the King was not so well pleased with the L. Commissioner, or the proceedings of the Assembly as they were, as appears by this Letter.

CHARLES R.

Right Trusty, &c.

Our Letter of September the 27th to Hamilton We have seen, and think fit to return Answer thereunto our Self; and the rather because We find by yours, that some points in the former Letter were not so fully expressed, but that you desire more clear Answers. First you say, that in all your Directions it is condescended, that by Act of Assembly Episcopacy should be declared unlawful in this Kirk; and that by all the Capitulations of Agreement, and Instructions given to you, that same is allowed to be ratified in Parliament upon the foresaid terms agreed upon in the Assembly. In this point we must tell you, that you are much mistaken: for though you have power for giving way to the Abolition of Episcopacy, as contrary to the Constitutions of the Church of Scotland; yet you will not find either in your Instructions, or any other Direction since sent you, that we have consented to declare the same Unlawful: We making a great difference therein,

The King displeased with *Traquair*.

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therein, for many things may be contrary to the Constitutions of a Church, which of themselves are not simply unlawful; for whatsoever is absolutely unlawful in one Church cannot be lawful in the other of the same Profession of Religion, but there may be many several Constitutions, and yet they all lawful. Therefore if I do acknowledge or consent, That Episcopacy is unlawful in the Church of *Scotland*, though as you have set it down in your consenting to the Act, the word Unlawful may seem only to have a relation to the Constitutions of that Kirk; yet the Construction thereof doth run so doubtfully, that it may be probably inferred, That the same Function is acknowledged by Us to be unlawful in any other Churches in our Dominions. Therefore as we totally disapprove of your consenting to the word Unlawful, as well to the Function, as civil places and power of Church-men, in the Act of the General Assembly: so We absolutely command you, not to ratifie the same in these terms in the Parliament, but only as contrary to the Constitutions of that Kirk; and to declare, that we ratifie this Act meerly for the Peace of the Land, though otherwise in our own Judgment We neither hold it convenient nor fitting; which you are to declare at the ratifying of the same. And for the rest of your Declaration in the Assembly, to be Registered in the Books of Council, for brevities sake We send you herewith a copy of the same, as likewise that of the Covenant, interlined in those places which We disapprove of, and conceive to be the contrary to your Instructions, and some other Directions.

As We have formerly written to you, We cannot consent to the rescinding any Acts of Parliament made in favour of Episcopacy; nor do We conceive that our refusal to abolish those Acts is contradictory to what We have consented to, or to that we was obliged to: there is less danger in discovering any future Intentions of ours, or at the best letting them guess at the same, than if We should permit the rescinding those Acts of Parliament, which Our Father with so much expence of Time and Industry established, and which may hereafter be of so great use to Us. And though it should perhaps cast all loose, (as you express;) yet We take God to witness, We have permitted them to do many things in this Assembly, for establishing of Peace, contrary to our own Judgment. And if on this point a Rupture happen, We cannot help it; the fault is on their own part, which one day they may smart for. So you have in this point our full Resolution.

We likewise wrote formerly to you, that We thought it not fit at this time, that the Power of the Lords of the Articles should be defined, and that you are to avoid the same, and to be sure not to consent thereunto. Now your last Letter gives Us ground to repeat the same again, and to declare to you, that We remain in our former Opinion.

And whereas you say, that it is to no purpose to vex Us with all the indiscreet and mad Propositions that are made, since they go about not only to reform all pretended Abuses, of what nature soever, but to constitute and define the power of all Judicatories from the highest to the lowest, and that you are like to agree in few

or none of the General Acts: If you find, that what We have commanded you to do is likely to cause a Rupture, their impertinent Motions give you a fair occasion to make it appear to the World, that We have condescended to all matters which can be pretended to concern Conscience and Religion; and that now they aim at nothing but the Overthrow of Royal Authority, contrary to all their Professions, which We can neither with Honour nor Safety suffer. And therefore We hope and expect, that if a Rupture happen, you will make this appear to be the cause thereof, and not Religion, which you know not only to be true, but must see it it will be of great advantage to Us, and therefore must be seriously intended by you.

We have no Directions of new to give you, concerning the Marquess of Huntley, Sir Donald Mac-donald, or any others to whom Malice is carried for their Zeal for Our Service, but again recommend them to your care.

What hath passed betwixt your self and the Earl of Argyle, We have heard nothing of: but We are easily induced to believe, that what you wrote of his undutiful Carriage is true, and that you will easily make it appear, to which We will give no unwilling Ear.

Thus you have your last Letter answered, with what for the present and on such a sudden hath come into Our thoughts: and so We bid you Farewell.

Whitehall, Octob. 1. 1639.

In the Month of July this Year, the Prince Elector Palatine of the Rhine came into England, designing by His Majesties assistance to obtain the Command of the Army of Duke Bernard of Saxon Weymar, then lately deceased; The King was very willing to serve the Interest of that Prince in order to the regaining of his ancient Patrimony, and moved it to the French Ambassador, proposing a perpetual League between France and the Prince in consideration of the French Assistance. The Ambassador was pleased with the proposition, and assured the King that his Master would approve it, and that Cardinal Richelieu would be assistant in it: but Richelieu becoming suspected in the Court of England as a Fomenter of the Scotch Rebellion; it was thought more advisable for the Prince to go Incognito through France to the Army, who upon his appearance it was thought would receive him as their General, than to trust to the sincerity of Richelieu or the delays of a Treaty, till that Army were either dissolved or put into another hand. Accordingly he took his journey and passed disguised through France till he came at Lyons, where he was discovered and made a Prisoner, a strict Guard being for some time put upon him by the French King, who interpreted this proceeding while he was in Treaty with him to be some ill design against his Crown and Dominions.

Upon the last of August the Parliament which was Prorogued the 15th of May met at Edinburgh; and following the Example of the Assembly in their violent Methods, they were by His Majesties Command Prorogued. But to avoid tautologies, I shall refer the Reader to His Majesties Declaration hereafter to be inserted, where he shall receive an Exact Account of all the Proceedings after the Pacification at Berwick. And in the mean time present him with a Scene something more divertive than these Cold Northern Climes, now fruitful in nothing but the Seeds of Disorders and future Rebellion.

The Prince Elector comes to England.

Passes over Incognito to France.

Is Discovered and made a Prisoner.

The Parliament of Scotland meet.

1639.



An Account of the Action between the Spaniards and Dutch
in the Downs.

The memo-
rable Sea-
Fight be-
tween the
Dutch and Spa-
niards.

ABOUT the Seventeenth of September, *Min Heer De Wit*, Vice-Admiral of *Holland*, Cruising off the *Lands End* of *England* with Seventeen Dutch Men of War, made a great Fleet of Ships, and bearing up with them he discovered them to be the *Spanish Armada* consisting of about 70 Sail, Commanded by *Don Antonio D'Ocquendo*. Upon which the Dutch though far inferior in number and strength of Ships, yet perceiving the Spaniards to be heavy Sailors, having got the Weather-gage, bore in with them and began a very furious Fight. The Spaniards were not sparing in returning the Civility of the Salute from the thundring Cannon: But in this the Dutch had the advantage, that being better Seamen and lighter Ships they kept the advantage of the Wind; and kept continually firing upon the Spaniard, to give notice to *Van Tromp* the Dutch Admiral, who with Eight Ships lay before *Dunkirk*.

Upon the noise of the Cannon *Tromp* weighed, and by Two of the Clock next morning came up with the Fleets. The Dutch encouraged by this reinforcement fell furiously upon the Spaniards, and maintained a desperate Fight with them most part of the Day, in which they had much the Advantage of the Spaniards, for they took two Gallions, sunk one, and disabled some of the Capital Ships, that they were forced to seek a retreat in the Downs near *Dover*, where they came to an Anchor, under the Protection and Security of that Road which is usually called the King of *England's* Chamber. Upon which the Dutch stood off, and came to an Anchor at a convenient distance, not willing to fall upon them in that place, and being willing to stay till more Force from *Holland* might come to their assistance, whither *Tromp* had sent several Advice-Boats, to inform the States of what had happened, and to hasten out what Ships they could possibly Rigg in so short a space.

The King commanded *Sir John Pennington* the Vice-Admiral, with a Squadron of English Ships to ride in the Downs and attend the Event of this Business. The Lord *Arundel* also by His Majesties Command, went aboard the Spanish Admiral desiring a sight of his Commission, and to know the Occasion of his coming upon the Coast with so great a Navy. *Ocquendo* Treated him with great Civility, and returned him with this Complement, That His Majesty of Great Britain might assure Himself they had no ill Designs upon any part of His Dominions, and that his Errand was to carry Recruits of men and money to His Masters Dominions in the Netherlands.

Great Interest was made to persuade His Majesty that *Sir John Pennington* might be Umpire in the Case, and not permit them to Engage, but fall upon that Party which became the Aggressor, to which the King would by no means condescend; but desired the Spanish Admiral to retire with the first Fair Wind, only He sent to *Tromp* to let Him know that it was His Pleasure, That as He was resolved to maintain a Neutrality, So the Dutch should not attempt any thing upon the Spaniards in that Road, which His Majesty could not otherwise look upon than an indignity, and breach of that good Amity betwixt Him and the States his Masters: To which *Van Tromp* Engaged his Honour, that he would not attempt any thing upon them while they lay there, provided they did not

not first begin. However he came to an Anchor so near the *Spanish* Fleet that they were jealous of him, and sent to desire Sir *John Pennington* to birth himself with the *English* Squadron betwixt them and the *Dutch*; But Sir *John* refused, considering that if any Action should happen, he must then put himself in danger of both their Shot; Sir *John* only sent to Advise the *Spaniards* to put to Sea so soon as they could, for the wind blowing fresh at *East*, every Tyde would he said bring in more Ships to the *Holland* Fleet.

The *Spaniards* had hired some *English* Ships to transport their land-men to *Dunkirk*, of which complaint being made to the King by the *Dutch* Embassador, all *English* Vessels were strictly commanded not to take in any *Spaniards*, but yet by the help of an *English* Pilot and the favour of a dark night, the *Spaniard* sent away Fourteen *Dunkirkers*, on board of whom, were 4000 men, who Escaped the *Dutch* Fleet and got safe to *Dunkirk*.

The Winds continuing still at *East* and *North-East*, new Supplies of Ships and Provision came daily in to the *Hollander*, and their Fleet by the Ninth of *October*, consisted in a Hundred Sail, which made *Tromp* very impatient to have the *Spaniards* put to Sea; but they made many allegations in hopes to weather the *Hollanders*; now they wanted Powder, another while they desired Masts from the Kings Stores, telling the *Dutch* that when they were provided they would stand out to Sea and give them Fighting Work Enough: *Tromp* who look'd upon this only as a Bravado, sent word to the *Spanish* Admiral, that he would furnish him with what Barrels of Powder he wanted, and lend him two Frigats to tow his Masts from *Chatham*, provided when he had fitted himself he would weigh and stand out to Sea. But for all the Brave the *Spaniard* would not budge further than sometimes to weigh his Anchors, and immediately drop again; in hopes that the weather proving Stormy, as it many times happens at that season of the Year, they might get that by Running which they did not hope for by Fighting. Which *Tromp* also apprehended, which made him say to some *English* Gentlemen who went aboard him offering their Service as Volunteers, That if the *Spaniards* lay there a little longer, for they lay very near the shore, The King of *England* would have their Guns, the Countrey their Wreck, and the Devil the Men.

But while all People were at gaze what would be the End of this Adventure, an Accident happened which gave *Tromp* as he thought an honourable Occasion to fall upon the *Spaniards*, and yet save his Promise to the King. For as the *Spaniards* were setting the Watch upon the Tenth of *October*, a Sentinel discharging his Musquet unhapily kill'd a *Dutch* Man aboard a Ship that lay near them. The *Dutch* Captain immediately sends the News of this Accident to *Van Tromp*, who presently commanded a Long-boat to carry the Man who was shot to the side of the *Spanish* Admiral, and to tell him that this was a breach of the Protection that the King of *Englands* Road had given them, and that he would be with them in the morning.

Accordingly upon the Eleventh of *October*, the *Dutch* Fleet Weighed and made themselves ready; and *Tromp* having appointed a Squadron to attend Sir *John Pennington* and the *English*, lest they should assist the *Spaniards*; with the rest of the Fleet he stood in with the *Spaniards*, and put them into such a consternation that they slipt and cut their Cables; Twenty three of their Ships ran aground and were stranded in the Downs,

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whereof Three were burnt, Two sunk, and Two lost upon the Shore: One of these was a great Gallion Vice Admiral of *Gallicia*, Commanded by *Don Antonio de Castro*, mounted with 52 Brass Pieces of Ordinance, the remainder of the Three and Twenty that were stranded, being deserted by the *Spaniards* were manned by the *English* to save them from the *Dutch*.

Don Antonio d'Ocquendo, and *Don Lopez* Admiral of *Portugal*, with Thirty Ships stood out to Sea; the *Dutch* gave them Chace, and a Terrible Fight was maintained between them, till one *Forran* a *Frenchman*, Captain of a small *Dutch* Frigate, laid *Don Lopez* aboard on the Weather-Bow, which hindered his Sailing till two *Dutch* Fireships grappled him and so burnt all four together, and here the Courage or Desperation of that Old Captain *Don Lopez* was very remarkable, for it was observed, that after His Rigging and upper Decks were all in a blaze he continued firing his lower Tire of Cannon upon the *Dutch*.

Upon this disaster *Ocquendo* with the Admiral of *Dunkirk* with some few Ships Tacked and stood over for *Dunkirk*, which Port they recovered with much hazard, the lightest of the *Dutch* Ships giving them Chase till they came under the Cannon of the Town. Of these Thirty Ships, Eleven were taken and carried into *Holland*, Three were stranded upon the Coast of *France*, One near *Dover*, Five were sunk in the Engagement, and only Ten Escaped.

This was such a fatal blow to the Maritim Power of *Spain*, that they have never since recovered it, or been able to appear considerable upon the Seas.

The coming of this great Fleet upon the *English* Coast occasioned much discourse, and great diversities of conjectures: and the factious and discontented Party, as they do all other Occurrences of Affairs failed not to improve it to the disadvantage of His Majesty as if He had been of some secret Confederation with them to assist Him to Establish the *Romish* Religion and Arbitrary Government in His Dominions; with which Mormo's and Bugbears, the Common People were Terrified out of their Wits and Allegiance.

The Author of the *Historical Collections*, notwithstanding the pretence of his Title, of *Impartial relating matter of Fact without Reflexion or Observation*, hath faggotted up Eight or Nine Observations, all reflecting upon His Majesty, and tending to the disreputation of His Illustrious Memory to Posterity. I shall only trouble the Reader with one, to which as before was observed, he tacks the Paper of the *Ferries* in *Scotland* as if they were Counterparts of an Indenture between His Majesty and the *Spaniard* for the same Design.

A Proposition was made he says to the King of *Spain*, and discovered much about the time their Fleet appeared on the *English* Coast. The outside of the Paper was Superscribed *Bro*—and the Title was *The Means to Establish the Catholick Religion in Scotland*.

The Paper as he hath it was thus :

FOR the Enterprize, there shall be need of no more than 3000 Men of Aid, which shall land in the Islands of *Orkney*; which being of themselves strong, may be made in a little time impregnable; besides they are fertile, and abundance of all things necessary for the sustaining of the
afore said,

Rush. Hist. Col.
Pag. 969. 970.

A Proposition
said to be
made to the
King of *Spain*
concerning his
Armada.

‘aforefaid number, and very near the Strengths of the moſt principal and
 ‘powerful Catholicks of *Scotland*; amongſt which is the Earl of *Caithneſſ*,
 ‘who is Lord of all thoſe parts of *Caithneſſ*, which are neareſt the Iſlands of
 ‘*Orkney*, and may aid us with 4000 Men to joyn with the others; which
 ‘after having fortified, and made ſure the Iſlands, ſhall paſs on to *Dundee*,
 ‘and *St. Johnſtons*, Places very eaſie to fortiſie and to keep, being divided
 ‘from the firm Land by the great River of *Frith*, which is ſo deep, that
 ‘the Enemy cannot paſs it with their Horſe, neither can the Foot en-
 ‘danger us, becauſe they muſt of neceſſity enter by the Mountains of
 ‘*Atholl*; the which with a Fort made with 300 Men, ſhall be inacceſſable:
 ‘And although we ſhould give them free paſſage, they could not prejudice
 ‘us, as well for that Multitude on our part, and the ſtrength of the Coun-
 ‘treys, as alſo for the Intelligence we ſhall have amongſt them: And if
 ‘they would ſet upon us by Sea, they can ſet out no Fleet ſo ſtrong as ours
 ‘ſhall be, except all the Kingdom contribute to it. The which cannot be
 ‘done except all the States do joyn; of which we of the Confederacy
 ‘ſhall be the greater part; and ſo the Enemy ſhall forthwith be forced,
 ‘either to give Liberty of Conſcience to the Catholicks, or put themſelves
 ‘in evident danger of loſing all.

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The Commodities which ſhall reſult from this Enterpriſe.

‘**Y** Our Maſteſty ſhall get great Honour and Reputation by doing ſo
 ‘remarkable Services to God and His Church; and ſhall put your
 ‘Enemies to ſuch a ſtreight, and ſuch extraordinary Expences, that they
 ‘ſhall now ſpend more in one Year, than they have done in many; becauſe
 ‘the *Hollanders* ſhall either be forced to maintain an Army, (not to Rob,
 ‘as they have done in the *Indies*, but for their own Defence) or to let
 ‘their Fleet be taken, which goes every Year to fiſh in our Sea; by
 ‘which means they would want Proviſion, Ships, and Mariners, and other
 ‘incredible Damages would follow; and howſoever it ſhould be, we may
 ‘take from them, or at leaſt interrupt their Trade of *Denmark*, *Hamburgh*,
 ‘and *Lubeck*, *Breme* and *Emſden*, without which they cannot live.

The King of Spain.

‘Laſt of all, Thoſe of *Dunkirk* and *Newport*, which have no other Ports
 ‘to retire themſelves to, ſhall not want them in *Orkney*, with a proſpe-
 ‘rous Wind, to their great Commodity, and annoying their Enemy.

‘As for the King of *Great Britain*, if he will not give Liberty of Con-
 ‘ſcience, he ſhall be reduced to it with no leſs Damage; and if he would
 ‘hinder our Enterpriſe, he muſt maintain three Armies, two by Sea, one
 ‘on the Weſt ſide, the other on the Eaſt, and the third by Land; which
 ‘ſhall do us no great hurt, by reaſon the *Scots* will never conſent that
 ‘the *English* ſhall Enter into *Scotland*, except it be with ſo ſmall a Troop,
 ‘as ſhall be of no effect, and ſhall be always ſubject to be expoſed to all
 ‘Danger, and to be caſt out from thence at our pleaſure, and this for
 ‘the great Enmity and Diſtruſt which is and always hath been between
 ‘both Nations. Beſides, the *English* Catholicks which are now Banished,
 ‘or ſhall be hereafter, may retire themſelves thither, and hold correspon-
 ‘dency with much facility in *England*, and ſhall handle and negotiate for
 ‘the Service of God, and your Maſteſty, and much prejudice the King:
 ‘And they ſhall be ſuccoured and helped of the *Irishmen* with all things ne-
 ‘ceſſary, and upon all occaſion that ſhall be offered.

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‘ For this purpose there ought to be a Consideration of the great mischief that may light upon God’s Church, and this Monarchy; if the King of *England*, being confederate with all the Hereticks and Enemies of God and *Spain*, should have opportunity during His Life, to carry forward and facilitate His Pretence and Title which he hath to the Crown of *France*, the Business will be ended before we can from hence hinder him, and He will be the most Powerful Enemy to God’s Church, and prejudicial to this Monarchy, that ever hath been, considering the great Power He shall have both by Sea and Land, with the Aid of *Denmark* His Brother-in-Law, *Holland*, and other Hereticks His Confederates.

‘ Other things there be of more Importance, which are not fit to be written, which I reserve to tell Your Majesty by word of mouth, or to whomsoever of Your Council Your Majesty shall be pleased to appoint; to whom I will also give a more particular Account and Satisfaction of what I have here proposed.

Now whether so intended or not, this Paper is the Clearest Vindication of His Majesty from any Designs upon His Subjects. And rather plainly imports, That many of those of the Confederacy against His Majesty were designing to introduce Popery themselves by obliging His Majesty to grant a Toleration for Liberty of Conscience, to which if He would not consent, He is threatned to be reduced to it with His great Damage, intimating that they were the greatest Party of the Three Estates of *Scotland* (for they turned out the Bishops), who were of this Confederation, and were resolved to compel the King to grant this, or hazard losing all; and the Event proving so Exactly gives too great occasion to suspect who were the Prophets.

But to return to His Majesties troublesom Affair with the *Scots*, the Reader cannot receive either better or more Authentick Satisfaction than from His Majesties Declaration, beginning at that part of it which Treats of the Affairs after the Pacification at *Berwick*, of which the same Account hath been given before.

‘ How these Articles have been performed on their part, comes now to be considered, and will appear by that which follows.

First, ‘ Whereas We, by the publication of the Articles of Pacification, expected that due respect and acknowledgement of our Authority, which might have witnessed their Loyalty, and sense of their Thankfulness for so great and Royal Favour; We found on the contrary, That at the very publishing of it in their Camp, the same was met with a Protestation, so scandalous and dishonourable to Our Government, as Our Subjects were thereby rather encouraged in their former mutinous Ways, than reduced to that Obedience which they promised.

Secondly, ‘ They delivered into the hands of some of Our *English* Nobility, and spread among others, a Scandalous Paper, Entituled, *Some Conditions of His Majesties Treaty with His Subjects of Scotland before the English Nobility, are set down here for Remembrance*. Wherein are contained such Untruths, and Seditious Positions, and so contrary to that which was concluded in the Articles of Pacifications, as thereby it did plainly appear, that however they pretended a desire of Peace, yet they intended

intended nothing less. This False and Seditious Paper coming to Our knowledg, was after, by the Advice, and upon the humble Petition of Our Privy Council here in *England*, and particularly by such Noblemen as were pretended by them to be Witnesses to the same, ordered to be damn'd by Proclamation, and publickly burnt by the hand of the Hangman; which was done accordingly.

Thirdly, 'Whereas it was promised, That the Forces of that Our Kingdom of *Scotland*, raised without Our Warrant, and against Our Self, should be disbanded and dissolved within forty eight hours after publication of Our said Declaration in their Camp; they did nevertheless for some time keep in Body divers Forces, and have ever since held in Pay almost all their Officers, in manifest breach of those Articles, contempt of Our Royal Authority, contrary to the Laws of that Our Kingdom, and to the great danger of all Our Subjects, who did give Obedience to Our Commandments there, which clearly shewed their Intention of putting themselves again in Arms against Us.

Fourthly, 'Whereas it was promised, That Our Forts, Castles, and Ammunitions should be restored so soon as We should send to receive them; yet full Restitution was not made accordingly And for the Fortification at *Leith*, which was with the rest remitted to Our Pleasure, it stands intirely as it did, though We often commanded the demolishing thereof.

Fifthly, 'It was promised there should be no Meetings, Treatings, Tables, Consultations, Convocations, or Conventicles, but such as are warranted by Act of Parliament, (and yet We were pleased to give them Warrant to meet for the space of one Month, to Consult, Advise, and Resolve upon such Affairs and Businesses as concerned the Relief of their mutual Burthens only): Nevertheless after that Time expired, which was on the 20th day of *July*, 1639. They did, and do still continue their unlawful Meetings and Consultations upon Matters of State, both Ecclesiastical and Civil, contrary to the Laws and Acts of Parliament of that Our Kingdom, and Our expresse Warrant; In which Conventicles they daily vex and trouble such of Our Subjects as do not adhere to their Rebellious Covenant, and pretended Assembly at *Glasgow*, and the Acts of the same.

Sixthly, 'Whereas all Fortifications were to be remitted to Our Pleasure to be demolished or continued, and We having given Commandment for the demolishing of them all, raised and built without Our Warrant; no Obedience is given to the same, but they are still continued, to the fostering of Sedition among Our Subjects, and the disturbance of the Peace of that Our Kingdom.

Seventhly, 'Whereas all Our good Subjects should have their Liberties and Goods restored to them: yet such is the violence and fury of the People, animated thereunto by the said Protestation, scandalous Papers spread, and seditious Sermons preached, as many of Our said Subjects are deterred from going to their own Dwelling and places of abroad, and threatened with the loss of their Lives, in case they shall repair to their own Houses.

Eighthly, 'Whereas in Our Declaration before mentioned, We did make known, That We could not approve the late pretended General Assembly at *Glasgow*, for the Reasons contained in Our former Proclamations; yet contrary to that Our Pleasure, they daily press Our Subjects to subscribe the approbation of the said pretended Assembly, and

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‘ Acts thereof, and to swear the same ; so that whereas We did expect to
 ‘ have found Our Subjects settled in Peace and Quietness against Our re-
 ‘ pair to *Edenburgh*, We heard of nothing but new Disorders, Meetings
 ‘ and Molestations of Our Subjects, well affected to Our Service ; which
 ‘ as it doth evidently appear, by the insupportable Insolencies committed
 ‘ as aforesaid, upon the Persons of Our High Treasurer the Earl of *Kinnoul*
 ‘ Our Justice General, Sir *James Hamilton*, and others Our Counsellors
 ‘ and good Subjects ; so doth it clearly evince, that nothing was less in-
 ‘ tended than Obedience to Our Authority, or performance of what was
 ‘ promised, or is due to Us in Right of Our Crown, and by the Laws of
 ‘ that Our Kingdom,

Ninthly, ‘ Whereas We were pleased to grant a free General Assembly,
 ‘ for settling and composing the Divisions cunningly raised and fomented
 ‘ in the Church of that our Kingdom, expecting a fair choice of the Com-
 ‘ missioners, and such as might stand with the respect due to Our Au-
 ‘ thority, they did labour to pervert Our Subjects by anticipating their
 ‘ Voices, in making them swear to, and subscribe the Acts of the pre-
 ‘ tended Assembly at *Glasgow*, and making choice of such Commissioners
 ‘ (and no others) as adhered thereunto, and by Oath were bound to
 ‘ maintain the same, and further, deterred others, whom We by Our War-
 ‘ rant did lawfully call to the next Assembly, from repairing thereunto,
 ‘ threatening them with the loss of their Lives, and what worse may be
 ‘ committed against their Persons, in manifest contempt of Our Autho-
 ‘ rity, and derogation from the freedom of the said Assembly.

Tenthly, ‘ To divert all Our good Subjects from their due Obedience
 ‘ to Us, and to debauch them to their factious Mutinies and Disorders ;
 ‘ they brand all such as adhere to Us, and have attended Our Person,
 ‘ with the vile aspersion of Traitors to God and their Country, threatening
 ‘ to proceed against them with Censures accordingly ; as though the due
 ‘ respect given by them to Us, and their adhering to Us, and their assisting
 ‘ Us in their Persons, were Treason : Whereas by right of that our Crown,
 ‘ and the Acts of Parliament of that Our Kingdom, all Our Subjects are
 ‘ to rise with Us, and to assist Us with their Bodies and Goods ; and
 ‘ whosoever refuses, or rises in Arms or Rebellion against Us, or com-
 ‘ mits any Act of Hostility against Our Sacred Person, are declared Trai-
 ‘ tors, and are to incur the pain of High Treason.

Lastly, ‘ Their Disobedience appears in that unparrallell’d contempt
 ‘ of Our Royal Authority, and shaking off all respect due to Sacred Ma-
 ‘ jesty, by their protesting that all Members of the College of Justice,
 ‘ and all our Lieges were not to attend the Session, and that all Acts,
 ‘ Decrees, and Sentences therein past against any of them, shall be null,
 ‘ void, and ineffectual, contrary to Our express Warrant for the down-
 ‘ sitting thereof, and to the heavy damage of Our good Subjects, who
 ‘ were thereby frustrated of Justice, taking by this means Our Royal
 ‘ Power out of Our Hand, which alone belongeth to Us ; none but Our
 ‘ Self being to command Our Subjects to attend the Session, or to dis-
 ‘ charge their attendance, as We in Our Princely Wisdom and Justice shall
 ‘ think fit.

‘ Having laid these insolent and seditious Foundations for a Parliament,
 ‘ it could not in reason be expected but a Structure to be raised thereupon
 ‘ must be full of Disorder and Confusion ; and indeed it proved all of a
 ‘ piece : for in all the Progress of the Progress of the Parliament, their
 Actions

‘ Actions and Demands were full of Undutifulness and Disloyalty, denying to Us the most essential and inherent Prerogatives of Our Crown, and striving by all means to change and alter the Constitutions of the Parliament, and frame of Government; as appears by their first Act, at and after the chusing of the Lords of the Articles; where, in a most insolent and peremptory way they protested, That nothing done, or to be done in Parliament, should be valid, except the form of electing Articles heretofore observed were altered, every Estate allowed to chuse their own Articles, contrary to the form kept in former Parliaments for many Years, as will clearly be evinced by the Records, and will be made appear by Persons of all Qualities yet living, who assisted at the Parliaments, and were Members of the same, in the Years 1612. and 1609. and contrary to the Provisions and Conditions mentioned in the Act, 1587.

‘ By their Act likewise concerning the defining of the Power of the said Articles, they press totally to subvert the Frame and Power thereof. The Articles have been, as is acknowledged by themselves, ever since King *David Bruce* his Time, which is above three hundred Years; and by the Lords of the Articles all Busineses are prepared, and from them brought to the Parliament, as appears by divers Acts of Parliament, and particularly by the fourth Parliament of King *James* the 6th, cap. 218. in which for eschewing of Confusion and impertinent Motions, all Propositions to be made in Parliament are to be delivered to the Clerk Register, and by him presented to the Lords of the Articles, that all frivolous and improper Motions may be rejected; which Ancient Constitution they would subvert by the aforesaid Act.

‘ So by the Act concerning the Constitution of the Parliament in time to come, they urge, and thereby strive totally to alter the Frame of the Parliament, and to confound and take away the third Estate; wherein the Civil Power of Kings is so much concerned, as Our Father and all His Predecessors in former Parliaments, both in time of Popery, and since the Reformation of Religion, have been most careful to preserve and maintain the Dignity, Honour and Priviledges of the third Estate; as appears in *Anno* 1560. when all Church-Jurisdiction in the Persons of Bishops is alledged to be abolished; and in *Anno* 1587. when all the Temporalities of Benefices were annexed to the Crown, the Clergy retained still their Vote in Parliament, and represented the third Estate, and the Civil Power and Priviledges of the Church were still preserved, and again ratified, as appears by the first Parliament of King *James* 6. Cap. 24. and by divers Acts of Parliament, *Anno* 1587. 1597. and 1609. By all Which, and divers other Acts of Parliament, it does clearly appear how much the Kings, Our Predecessors, have conceived their Civil Power, and the Honour of their Crown to be concerned in the maintaining and upholding of the Honour, Dignity, and Privileges of the three Estates. Nay, by a special Act made in the time of King *James* 6. Parl. 8. cap. 130. it is declared *Treason* to impugn the Authority of the Parliament, and three Estates, or to procure the Innovation of the Power and Authority of the same three Estates, or any of them: And We would willingly know how they, or any of them, can deny, but that they have sought the breach of this Act, and so are guilty of *Treason*, and liable to the punishment thereof.

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Concerning the Act which they call *Rescissory*, they do not only thereby seek to take away the Third Estate (which is Treason, as aforesaid) but to annul many other Acts formerly made in favour of the Crown : and farther, to bar Us, in a manner totally, from Assembly, or Assembly-Business, and cut Us off from all those Powers in Civil Affairs, which in the Court of that Kingdom are in consequence hereupon ; by which it is evident how far they would trench upon Regal Power, and how different it is from their Promise, which was, To desire nothing that is not warranted by Law.

For the Act of Oblivion, in the Narrative and whole strain of it, as it is formed, and desired by them to be past in Parliament, they seek to justify themselves in all their Proceedings, and instead of an Act of Oblivion, for which they Petitioned Us at the Camp, they urge an Act which amounts to a Justification to be Recorded in the Books of Parliament, altogether contrary to the nature of an Act of Oblivion, and to that which ever heretofore hath been desired in like case, as appears by the Act of Oblivion in *Anno* 1563,

And whereas by the Act of Pacification, Restitution is ordained to be made to every one of Our good Subjects of their Liberties, Lands, Goods, and Means whatsoever, taken and detained from them by any means since the aforesaid time ; this is not only not yet performed, but as appears by the binding part of this Act, it is never intended.

And as by the aforesaid Act of Oblivion, so by their Act of Relief, they depart from that which was condescended to at the Camp : for whereas upon their humble desire We were graciously pleased, by a Commission dated at *Berwick, July 2. 1639.* to allow them the liberty of Conveening and Meeting, until a certain day, for distributing of their pretended Charges amongst such as should willingly condescend thereunto ; they have not only without Our Warrant kept their Conventicles, and Tables, since the expiring of the foresaid Commission, contrary to the positive Laws of the Kingdom, and Act of Pacification, and their own acknowledgment in Petitioning for the aforesaid Commission, but by their said Act of Relief they do most impudently urge upon Us, that by an Act of Our Royal Power, all Our good Subjects, who in the late Troubles and Commotions did adhere to Us, and shew themselves ready to defend Our Royal Authority, should be made equally, if not more liable to the defraying of their pretended Charges. So by the Act it self, We are pressed to justify and authorize all their Rebellions and Treasons, and to constrain the Innocent, and those that have suffered most for being faithful and loyal to Us, to contribute to those Rebellions and Treasons ; Than which there can be nothing more Tyrannical, nor contrary to Justice and Our Honour.

Concerning their Demands, although in all their Petitions, Declarations, and Remonstrances, they profess, That they will never incroach upon Sovereignty, nor diminish Our Royal Authority ; yet notwithstanding by their Demands made in Parliament, and the Reasons of them given to Our Self, they strike at the very Root of Our Regal Power. For they desire,

First, That the Coin be not medled with but by Advice of Parliament.

Secondly,

Secondly, 'That no Stranger be entrusted with keeping of Our Castles, nor other Person put in them; but by Advice of the Estates.

I 6 3 9.

Thirdly, 'That no Patent of Honour be granted to any Stranger, but such as have a competency of Land-Rent in *Scotland*.

Fourthly, 'That no Commission of Justiciary or Lieutenancy may be granted but for a limited time.

Fifthly, 'They protest likewise against the Precedency of Our Lord Treasurer, and Lord Privy-Seal, because as they alledge the same is not warranted by a positive Law.

'All which, though they are so essentially belonging to Us as their King, that for the most part they Answer themselves; yet We have thought it not unfit to give the World this satisfaction concerning them.

'And first for the Coin; It is a Prerogative most peculiar to the Crown, and none can meddle with it but by Our Consent, without incurring the punishment of High-Treason, as it is in all Kingdoms.

'In the Second and Third, there lurketh a great deal of Malignity and Poison, and they are intended meerly against the *English*, whom they would account Strangers; as appears by the Exception lately taken by those of *Edenburgh* to those *English* sent by Us to the Castles of *Edenburgh* and *Donbarton*. This is a most dangerous and seditious Practice, to raise again the Partition-Wall between the two Nations, and to divide them, thereby to awaken those ancient National Animosities, which have been most happily laid asleep by the blessed Union of the two Crowns: And besides, the great dishonour to the *English*, that they should not be held worthy to enjoy any Dignities or Priviledges in *Scotland*, as well as the *Scots* do in *England*: It is an injury to themselves, For it is most just, that by the same Rule the *Post-nati* of *Scotland* (who are now admitted here to all Dignities, Priviledges, and Offices, and do enjoy them as freely as any *English* whatsoever) should be likewise excluded from them, for which most of their Country-men here would give them little thanks. But what Religion there can be in shewing themselves such Incendiaries, We leave it to the World to judge.

'To the fourth; Some of themselves have obtained from Us the heritable Rights of Justiciary, over a considerable part of that our Kingdom; and why Our Power should be more limited to others than to them, We understand not.

'To the fifth; No Man that is not a Traytor, can deny that the Source and Fountain of all Honour is in Us, and that is a prime Branch of Our Crown to distribute Honours, Dignities, and Precedencies to whom We please; and besides, the Chancellor of that Our Kingdom, holds his Place and Precedency without any Warrant or positive Law, but meerly from Our Immediate and Inherent Power; And therefore why not Our Treasurer and Privy-Seal as well as he?

'They further boldly demand the rescinding the Acts of Parliament concerning the Civil Government; namely, the Act concerning the Judicatory of the *Exchequer*, the Act concerning *Proxies*, the Act concerning *Confirmation of Ward-lands*; by which they would overthrow both Our Government and Revenue.

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‘ When We found them thus pertinaciously resolved to persist in these
 ‘ their insolent and unsufferable Demands, contrary to all Religion and
 ‘ Laws, though they so much pretend them both, We signified Our Plea-
 ‘ sure to Our Commissioner the Earl of *Traquair*, to this purpose ;

That whereas it did evidently appear unto Us, that the Aim
 of divers of Our Subjects was not now for Religion, as
 they have always pretended, (for it was manifest by the pro-
 ceeding of Our said Commissioner, how willing We had been
 to give satisfaction both in Assembly and Parliament, touching
 all such things as were promised by Us, or sued for by them un-
 der that Name of Religion); And that We did perceive, by many
 new strange Propositions, that nothing would give them content
 but the alteration of the whole Frame of the Government of that
 Kingdom, and withal, the total overthrow of Royal Authority,
 We held it must now be Our care and endeavour to prevent that
 which did so nearly concern Us in Safety and Honour ; and if
 thereupon We should immediately Command the dissolving of
 the Parliament, it were no more than justly might be expected
 from Us. Nevertheless, such was still Our tenderness of their
 preservation, and of the establishment of a perfect Peace in that
 Our Native Kingdom, as We were pleased rather to prorogue
 the same, and to hear such Reasons as they could give for their
 demands. Wherefore We commanded Our said Commissioner
 to prorogue the Parliament until the second of June next ensuing,
 and that (since they had disputed it) by Our Authority only ;
 We holding it no way fitting, that any assent of theirs but Obe-
 dience should be had to that Act, which doth so properly belong
 to Us as their King ; and if they should presume to Protest, sit still,
 and disobey this Our Royal Command, Our further Will and
 Pleasure was, That Our said Commissioner should discharge
 their so doing under pain of Treason. But in case of their
 Obedience, and dissolving according to Our Command, then
 We did require Our said Commissioner to declare unto them,
 That We would not only admit to Our presence such as they
 should send unto Us to represent their Desires, and the Reasons
 of them, but would likewise, as We were ready always to do,
 punctually perform whatsoever We did promise. In the interim,
 We commanded himself with all convenient speed to repair hi-
 ther, and to bring with him all that had passed, or had been
 demanded, both in Assembly and Parliament, that so we might
 not only be more perfectly inform'd of all Proceedings, but like-
 wise Consult with him and those of Our Council, what course
 would be best for the preservation of Our Honour, and the happy
 accommodation of this Business.

‘ This Our Command being signified to the Parliament by Our Com-
 ‘ missioner, was not assented unto without a *Protestation*, which they call
 ‘ a *Declaration of the Parliament*, to this purpose.

That whereas John Earl of *Traquair*, His Majesties Commissioner, ho-
 noured with a most ample Commission, according to His Majesties
 Royal

Royal Word, having closed the Assembly, and sitting in Parliament with them a very long time, for debating and preparing such Articles as were to be represented in face of Parliament, did now take upon him, and that without the consent of the Estates, and without any Offence on their part, who have endeavoured in all their proceedings to witness their Loyalty to the King, and Duty to his Grace, as representing His Majesties Sacred Person, to prorogate the Parliament upon a private Warrant, procured by sinister Information, against His Majesties publick Patent under the Great Seal, &c. whereby he heavily offends all His Majesties good Subjects, and endangers the Peace of the whole Kingdom, for which he must be liable to His Majesties Animadversion, and to the Censure of the Parliament, this being a new and unusual way, without president in this Kingdom, contrary to His Majesties Honour so far engaged for present ratifying the Acts of the Kirk, contrary to the Laws, Liberties, and perpetual practice of the Kingdom; by which all continuation of Parliament once called, convened, and begun to sit, have ever been made with expresse consent of the Estates, as may be seen in the Reigns of sundry Princes, &c. Therefore we the Estates of Parliament, &c. are constrained in this Extremity to manifest and declare, &c. That as we have not given the least cause, or smallest occasion of this unexpected or unexemplified Prorogation, so we judge and know the same to be contrary to the Constitution and Practices of all preceeding Parliaments; contrary to the Liberties of this free and ancient Kingdom, and very repugnant to His Majesties Royal Intentions, Promise, and gracious Expression in the Articles of the late Pacification, &c. And we do further declare, That any Prorogation made by the Commissioner's Grace alone, without consent of the Parliament, by himself, or any Commissioner in his Name, under the Quarter Seal, or by the Lords of the Council, who have no power at all in Matters of the Parliament, during the sitting thereof, shall be ineffectual and of no force at all to hinder the lawful Proceedings of the Subjects, and the doers thereof to be Censurable in Parliament. And further we declare, That the Commissioner his nomination of the Articles by himself, his calling together those Articles, and commanding them to sit continually and proceed, notwithstanding their daily Protestations to the contrary; his keeping frequent Sessions of Council, and determining Causes in Council, during the time of Session in Parliament; His calling down and calling up of Money during the Session of Parliament, without consent of the Estates of Parliament; notwithstanding the Parliament had taken the Money into their consideration, and had purposed to have given their advice for a determination thereanent; his frequent prorogating of the riding of the Parliament, without consent of the Estates, or mentioning in the Acts of Prorogation, the consent of the Articles, although it were done by their advice, are contrary to the Liberties of the Kingdom, Freedom and Custom of Parliament; and that they be no Preparatives, Practicks, nor Prejudices in time coming against us, or our Successors. But because we know that the Eyes of the World are upon us, that Declarations have been made and published against us, &c. That our Proceedings may be made odious to such as know not the way how these Commandments are procured from His Majesty, nor how they are made known nor intimate to us, and do as little consider that we are not private Subjects, but a sitting Parliament; or what National Prejudices we have sustained in time past by mis-information, and what is the present case of the Kingdom; we therefore declare, that whatsoever by the example of our Predecessors in like cases of necessity, by His Majesties Indiction, and by the Articles of Pacification, we might do lawfully in sitting still; and which in this extream necessity were justifiable, not only before so just a King, but

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Jac. 6.
Qu. Mary.
Jac. 5.
Jac. 4.
Jac. 3.
Jac. 2.
Jac. 1.

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to the Faces of our Adversaries; Yet out of our most reverend regard, and humble desire, to render not only all real demonstrations of Civil Obedience, but to put far from us all shew or appearance of what may give His Majesty the least discontent, we have resolved for the present only to make remonstrance to His Majesty of the reason of our Propositions and Proceeding in this Parliament, &c. And in expectation of His Majesties gracious Answer to these our humble Remonstrances, some of each Estate having power from the whole Body of the Parliament, remain still here at Edinburgh, to attend the return of His Majesties gracious Answer to our humble and just Demands; And further, to remonstrate our humble Desires to His Majesty upon all Occasions, that hereby it may be made most manifest against all contradiction, that it was never our intentions to deny His Majesty any part of that Civil and Temporal Obedience which is due to all Kings from their Subjects, and from us to our dread Sovereign after a more especial manner, but meerly to preserve our Religion and Liberties of the Kingdom, without which Religion cannot continue long in safety: And if it shall happen (which God forbid) that after we had made our Remonstrances, and to the uttermost of our power and duty used all means for His Majesties Information, that our malicious Enemies, who are not considerable, shall by their Suggestions and Lies prevail against the Informations, and general Declaration of a whole Kingdom, we take God and Men to witness, That we are free of the Outrages and Insolencies that may be committed in the mean time, and that it shall be to us no imputation, that we are constrained to take such course as may best secure the Kirk and Kingdom from the extremity of Confusion and Misery.

Which Declaration above-written, we the Estates of Parliament required the Clerk to insert in the Records thereof, and grant Extracts thereof under his hand and Subscription.

This Declaration was produced and read in the outer House of Parliament, upon Decemb. 18. 1639. according whereunto the Nobility nominated and appointed the Earls of Lothian and Dalhousie; the Lords, Yester, Balmerino, Cranston and Napier: The Barons nominated the Commissioners of the three Lothians, Fife and Twedail: The Burroughs nominated the Commissioners of Edinburgh, Linlithgow, Sterling, Haddington, Dunbar, to attend at Edinburgh the return of His Majesties gracious Answer to their humble Remonstrance.

'In this Protestation or Declaration, though there be a specious shew, and sundry professions of Obedience to us, yet it is evident they have wounded Our Authority in the Person of the Earl of Traquair Our Commissioner, who did nothing in that Prorogation but by Our special Commandment; and therefore for that they cannot censure him without reflection upon Us: And besides, it is positively affirmed, That any Prorogation made by the Commissioner alone, without consent of the Parliament shall be ineffectual, and of no force; which necessarily implies, That We have no power to Prorogue, whereas the contrary is most manifest Truth. And though upon Our Command there was a shew of Prorogation, yet they continued part of their Body at Edinburgh, upon pretence of receiving Our Answer to their Remonstrance; which, if it shall not be to their liking, they conclude with a menacing Protestation, That it shall be no imputation to them, if they be constrained to take such course as may best secure the Kirk and Kingdom from the extremity of Confusion and Misery; having

first taken God and Man to Witness, That they will be free of all Outrages and Insolencies that may be committed in the mean time; than which nothing can be more boldly and insolently spoken.

After this, these divided Members of that distracted Parliamentary Body remaining thus at *Edenburgh*, did send the Earl of *Dumferling* and the Lord *Lowdon* as their Deputies, to make their Remonstrance to Us. But because We understood that they came without Warrant or Licence from Our Commissioner, and had not acquainted him with what they were to propound unto Us, We held this like the rest, a great and insufferable Disobedience, and would not admit them to Our Presence coming in this manner; and so commanded them to return without hearing them.

Then Our Commissioner came hither, and made a Report to Us of the state of Our Affairs there: with which We thought fit to acquaint the Lords of Our Council of *England*, as also with this Carriage of the Parliament in *Scotland*, and to advise with them what was to be done for redress of these Disorders. Whereupon We commanded Our said Commissioner, the Earl of *Traquair*, to make Relation to the Board of all their exorbitant Demands, of which some Account hath been formerly given them by the Lord Marquess *Hamilton*. Upon this Our Command, the Earl of *Traquair* made a large and exact representation to the Board of the most considerable Matters proposed and agitated in Parliament, and of the insolency of their Demands; and the Petitioners themselves sent from *Scotland*, have since their coming to Us insisted upon all and every Particular of Our said Commissioner's Relation, and in a most bold way offered to justify them all; by which they have more than justified the Report of the said Earl of *Traquair*.

Whereupon We were further pleased to acquaint the Lords, that they had lately sent Us a Petition, which carried some shew of Submission and Humility, but was indeed nothing less, wherein they desired, That some might be allowed to come from them to Us, to represent their Affairs; which to make Our Subjects of *Scotland* the more inexcusable, We told the Lords We had granted, though We had little cause to hope for any good from those that had so much forgotten their Duty and Allegiance to Us.

When the Lords had heard the Relation of Our Commissioner, We thought fit upon the whole Matter to put this Question to them, Whether considering the insolency and height of these Demands, even concerning Civil Obedience, it were not fit to reduce them to their Duty by force, rather than to give way to these Demands, so prejudicial to Us in Honour and Safety? To this We commanded every one of Our Council to give his Answer, and to declare his Opinion by Vote; which was accordingly done, and they unanimously voted in the Affirmative: Whereupon soon after We resolved to call a Parliament.

After this, Our Subjects in *Scotland*, according to the Answer We gave them upon their Petition, having sent up hither four Deputies, viz. the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William Douglass*, and Mr. *Berkeley*; We were pleased to admit them to Our Presence, and to receive Petitions from them, which were after by Our Direction subscribed by them; in one of which they, in the Name of the Assembly convened at *Edenburgh*, gave Us thanks for that We had made known to them, that all Matters Ecclesiastical should be determined in free National Assemblies, and Matters Civil in Parliaments, and desired Our Ratification of the

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‘ Constitutions of the Assembly in Parliament : And, in the other they
 ‘ desired to be heard before Us, and some of Our Council of both
 ‘ Kingdoms ; and that the Report made by the Earl of *Traquair* to Our
 ‘ Council here in *England*, might be delivered them in writing under his
 ‘ hand, which was a most insolent demand.

‘ Immediately after this, We thought fit to appoint a special Committee
 ‘ of some of Our Council to hear them, and accordingly gave order to
 ‘ the Earl of *Traquair* to assign them a day to come to that Committee.
 ‘ They refused to come, alledging that they had Order and Instructions to
 ‘ treat with none but Our Self : Whereupon We appointed them to attend
 ‘ Us at the Committee, though it were the day of Our appointed remove
 ‘ to *Hampton-Court* ; at which time they did attend Us accordingly.

‘ There the Lord *Loudon* made a long Speech, the effect whereof was,
 ‘ A Protestation of the Independency of the Parliament of *Scotland*, and that
 ‘ it is subject to no other Judicatory ; a profession of their Loyalty and Af-
 ‘ fection to Us, and a Justification of their Proceedings in the Assembly
 ‘ and Parliament, as agreeable to the *Articles of Pacification*, and to the
 ‘ Laws and Practices of that Kingdom ; and thereupon a desire, That We
 ‘ would Ratify and Confirm those their Proceedings ; and to that purpose
 ‘ Command that the Parliament might proceed freely, for the determining
 ‘ of all the *Articles* delivered into them, and the establishing of Religion
 ‘ and Peace in the Kingdom ; undertaking that whatsoever Objections or
 ‘ Informations should be made against their Proceedings in Parliament,
 ‘ (if they might receive them in writing) they would make answer to
 ‘ them.

‘ This Discourse ended, We demanded what Power and Commission
 ‘ they had to give Us Satisfaction, and to oblige those from whom they
 ‘ came ? Seeing if they had none, We should hear them upon great disad-
 ‘ vantage, they expecting Satisfaction from Us who have Power to give
 ‘ it, but they none to render the like to Us.

‘ They answered, That which they should propose (it being agreeable
 ‘ to Law) they were confident would give Us Satisfaction.

‘ We asked who should be Judge of that ? They answered, The Laws
 ‘ would be so clear that there should be no need of a Judge. And though
 ‘ We insisted much hereupon, they would give Us no other Satisfaction ;
 ‘ they avowing they had Powers, and would bring them to Us ; they
 ‘ were ordered to do so at the next Meeting, and so for that time were
 ‘ dismissed.

‘ After Our return from *Hampton-Court*, they attended Us at the Com-
 ‘ mittee again ; where they produced Instructions signed by some *Scottish*
 ‘ Lords, and others Persons of no great eminency ; which Instructions
 ‘ having been read, were judged by Us, (all the Committee concurring
 ‘ in the same Opinion) to be no Commission, nor that they had any Power
 ‘ or Authority by them to give Us Satisfaction, or to oblige those from whom
 ‘ they said they came, to any thing that We should yield to, or desire.
 ‘ Wherefore We demanding whether they had any other Power ? they
 ‘ said, They had a Paper formerly subscribed by some of the Lords in Par-
 ‘ liament, by which the Earl of *Dunfermling* and Lord *Lowdon*, were only
 ‘ Authorized to come, and present their Justification to Us, and they could
 ‘ for the present have no other, the Parliament now not sitting. Where-
 ‘ upon We advising seriously with the Committee what was best to be
 done

done in this weighty Business, and considering, That if they should be dismissed without further hearing, they would take occasion to clamour, although We held Our Self bound neither in Honour nor Justice to hear them any further, (they having offered no Foundation for an Accommodation, nor having Power to do it) yet to the end that no colour of sinister Construction might be left, and that We might justify Our Self to God and the World, that We have omitted nothing on Our part that might tend to Peace, and to the settling of a better Intelligence between Us and them, We did Resolve that we would continue to hear them, and make Our Objections to such particulars as had been proposed in Parliament, and against which We had just grounds of Exception, that so it might appear whether they could give Us that satisfaction which they had promised and presumed.

This We having declared to them, not one of them made shew of the least sense of this Our Grace and Goodness so expressed to them; which the Lord Marquess *Hamilton* observing, took occasion of himself to say, That though he was not of their Company, yet being a *Scots* Man, he he'd himself obliged to acknowledg with all humility this Our singular and Princely Favour to his Country, and besought Us to accept his most humble thanks for it. This drew them on to do the like, and so they presented their humble Thanks to Us on their knees.

At the next meeting of the Committee, the said Petitioners produced the Paper above-mentioned, subscribed by some of the Lords remaining at *Edenburgh*, as aforesaid, by which the Earl of *Dunfermling* and Lord *Lowdon* only were heretofore authorized to come and present their Justification to Us: which Paper being read, the whole Committee agreed that the Petitioners had no Power by this Paper, no more than by the former, to give Us any Satisfaction, or to oblige those from whom they came, but only to endeavour to justify themselves, and the former Proceedings of the Parliament. Of all this We were pleased to give account to Our whole Council of *England*, who unanimously concurred in Opinion with the Committee, That the above-mentioned Papers gave them no Power at all. Nevertheless We were contented, according to Our promise, to hear them; and We did make Objections to the most exorbitant of their Demands: But their Answers were very impertinent, and rather Justifications of them, than any way Satisfactory: Which could not be otherwise, seeing those Demands were for the most part so contrary to Law and Monarchical Government, that they did answer themselves; as by Our Answer to them formerly set down more particularly may appear.

Concerning Our Promise of a Free Parliament, no Man of ordinary sense can imagine We ever intended it should be so free, as not to be limited with their own Conditions, subscribed by the Lord *Lowdon*, which were to enjoy their Religion and Liberties, according to the Ecclesiastical and Civil Laws of that Our Kingdom; and if they pass these Bounds, as it is evident they have done, We remain disobliged, unless they will have Us only obliged, and themselves left at liberty to fly at Our Monarchical Government, without controul, to wrest the Scepter out of Our Hand, to rob Our Crown of the fairest Flowers belonging to it, and to destroy Our Regal Power and Authority, as manifestly they have endeavoured to do by their insufferable intended Acts and Demands, contrary to all Law and Reason.

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‘ If it be further objected, That they assume this Liberty by Our allowing of the Covenant, and commanding Our former High Commissioner the Lord Marquess of *Hamilton*, and other Our Subjects, to subscribe it; the Answer is very ready, That there is a great difference between the Covenant and Band subscribed by Our Commandment, and their Band; for that Covenant and Band was made by Our late Father King *James* of blessed Memory, *Anno* 1580. and obligeth those that swear to It, that they should mutually assist one another, as they should be commanded by the King, or any Authorized by him. But this new Band was made without Our consent, and by it they swear mutually to assist one another, not excepting the King, which is indeed a meer cunning Combination against the King. Besides, when any have been required to Subscribe the Covenant, as the Lord Marquess *Hamilton* was, and did, and in that sense which he declared in print, the principal Heads of them did not only refuse it themselves, but dissuaded (as much as in them lay) all Our good Subjects from subscribing it, though the Covenant were all one with theirs, and so acknowledged by themselves: Whereby it doth evidently appear, that it was not Religion they aimed to secure, (as they pretended) for then they would have acquiesced with these Our Commands, but meerly by adhering to their own Band, to keep Our Subjects in that condition, as they might be always tied, and conceive themselves obliged by Oath to take up Arms against Us whensoever the time should be fit for a total Rebellion; which they have never left endeavouring till they have brought it to pass: So that by Our approbation of the old Covenant and Band, or by the Subscription of Our Commissioner, they can have no solid Foundation to justify their now Proceedings; and it will hardly appear that ever any Covenant was made in the Christian World (except in Cases of Rebellion and Treason, as this is) where the Head was left out, or had not a Negative Voice.

‘ Neither can the Earl of *Traquair*, Our High Commissioner his Subscription, or allowance of the subscription of the Covenant, be any Warrant for their rebellious Courses; seeing, as appears by their own Petitions to him, they declare, that, *Now following the laudable Example of their Predecessors, they do humbly supplicate for the same, and that they may be allowed and warranted to subscribe it*; Which clearly evinces, that what they did before, and of themselves, without warrant of Authority, was neither laudable nor warrantable: As also before the allowing thereof by the said Earl of *Traquair*, it is acknowledged (as appears by that which is prefixt to his Subscription) that it is one and the same Covenant with that of 1580. which, as appears by the Reasons heretofore deduced, will no way infer any ground, or the least shadow of Reason for their Treasonable Combinations, or taking up of Arms against Us, or Our Authority, or any denial of Our Negative Voice.

‘ Now upon debate of this Point at the Council Board, the Lords were of Opinion, That until the Petitioners sent from the Covenanters would acknowledge that the Supream Magistrate must have Authority to call Assemblies, and to dissolve them, and to have a Negative Voice in them, as is accustomed in all Supream Powers of Christendom, they ought not to be heard.

‘ If they shall allege (as they did when they came to the Committee) that their Demands aforesaid were but Matters *in fieri*, and not absolutely resolved nor concluded: it is to be answered, That the Impediment was not on their part that they were not concluded. Nay, the Lord *Lowdon* in his

his first Speech to Us at the Committee, did not only justify their Proceedings in the Assembly and Parliament, as agreeable to the *Articles of Pacification*, and to the Laws and Practice of that Kingdom, but did desire that We would ratify and confirm those their Proceedings, and to that purpose command that the Parliament might proceed freely, and determine anent all those *Articles* delivered in to them. Howsoever good Subjects ought to be wary how they come near the suspicion of Rebellion or Treason, much more how they make Demands that carry with them more than a suspicion of Rebellious and Treasonable Intentions, as these above-mentioned most manifestly do.

Now besides the Insolencies and Acts of Rebellion and Treason above-mentioned, committed before, and in the Assembly and Parliament, We cannot but observe and publish to the World, that their Carriage hath been no less exorbitant since the Parliament, and since the coming of their Petitioners hither than before: for without any Authority or Commission from Us, they have taken upon them to levy and raise Forces in several parts of that Our Kingdom, in great numbers, which they have continually exercised and trained, and have assigned them a Rendezvous, and a day to be in a readiness to march.

They have made Provisions of great quantities of Artillery, Munition, and Arms from Foreign Parts, which they have ready in Magazine to make use of against Us their Sovereign.

They have of themselves laid Taxes and Impositions of ten Marks in every hundred, upon all and every Our Subjects, according to their several Revenues, to be levied upon their Estates, for the maintenance of this Rebellion; and this they have exacted with the greatest rigour and tyranny that can be imagined, howsoever they pretend the Contribution to be voluntary.

They have caused to be framed and published, as well in Manuscript as in Print, sundry false, seditious, and scandalous Papers and Pamphlets, concerning Our Proceedings with them; and amongst others, one intitled, *An Information from the Estates of the Kingdom of Scotland, to the Kingdom of England, &c.* Which having come to Our knowledge, We caused it to be read publicly at Our Council Table; and the Lords in detestation thereof became humble Suitors to Us, that it might be suppressed by Proclamation, and burnt by the Hand of the Hangman, which hath been done accordingly.

They have refused the Lord *Estrick*, Governour of Our Castle at *Edenburgh*, Timber, and other Materials necessary for reparation of the Works lately fallen down there, notwithstanding Our express Commandment by Our Letters to them upon their Allegiance to furnish them.

They have committed sundry Outrages and Violences upon the Persons of some of the Garrison at *Edenburgh*, that came out of the Castle to buy Victuals.

They have begun to raise Works and Fortifications against the said Castle, thereby to block up that Our Royal Fort, and to render it unuseful. And they have fortified sundry other Places in that Our Kingdom, and particularly *Insgarvy*, where they have mounted divers pieces of Ordnance.

They have lately imprisoned the Lord of *Suthesk*, and sundry others of Quality, for not adhering to them, and for their Fidelity to Us.

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‘ And whereas We have upon sundry occasions signified Our Pleasure to the Magistrates of *Edenburgh* for the performance of such things as have concerned Our Service: instead of yielding Obedience, they have made Answer, *That they have delivered up the power of governing the Town, into the hands of the Committee of the pretended Tables*, by which they have not only voluntarily disabled themselves to serve Us, but have incurred the guilt of High Treason, by conferring upon any that power of Government which they derive and hold from Us alone, and cannot be resigned to any other without Our special Warrant and Command.

‘ But to fill up the measure of their Treasons, they have endeavoured to settle Intelligences in parts beyond the Seas, and practised to let in Foreign Power into that Our Kingdom, as We are able to make appear under the hands of some of the chiefest of them; as if the Fire, which by their own Rebellions they have already kindled within the Bowels of that State, were not sufficient to consume it, unless they added fuel to it from abroad. and herein appears first their malignity to Us their natural Sovereign, in that they had rather prostitute themselves to a Foreign Government, and such as is different in Religion, than yield Conformity to Ours. And then secondly, We cannot but take notice that the Interests and Safety of Our Self, and this Our Kingdom of *England*, are highly concerned herein: For if a Stranger once take footing in those Northern parts, it is not hard to judge how easily he may be invited by such Guides as they, and such an entrance as they will readily give him, to draw nearer to this warmer Climate of the South; and then how much the *English* Nation are likely to be beholden to their *Scotish* Neighbours for such Inmates, is left to every true *English* Heart sadly to consider, and in time to endeavour to prevent, lest he be overtaken unawares by the mischief which threatens every one in particular, and the whole Nation in general; and yet all this with them is Religion and Laws.

‘ But because the World shall see that We charge them not but upon very good and sure Grounds, We have thought fit to set down here their own Letter: Of which We have given Our good Brother, the *French* King, an Account, being confident he will not assist any Rebels against Us. The Letter follows, with this Endorsement, *Au Roy*, which in *France* is always understood from those Subjects only to their Natural Prince.

SIRE,

Vostre Majesté (estant l’asyle & sanctuaire des Princes & Estats affligéz) nous avons trouvé nécessaire d’envoyer ce Gentilhomme le Sieur de Colvil, pour représenter à V. M. la candeur & naïveté tant de nos actions & procédures, que de nos intentions, lesquelles nous desirons estre gravées & esrites à tout l’univers avec un ray du Soleil, aussi bien qu’à V. M. Nous vous Supplions doncques treshumblement (Sire) de luy adjouster foy & creance, & à tout ce qu’il dira de nostre part, touchant nous & nos affaires; estans tressasseuré (Sire) d’une assistance esgale à Vostre clemence accoustumée cy-devant, & si souvent monstrée à ceste Nation, laquelle ne cederà la gloire à autre quelconque d’estre eternellement,

Sire,

de V. M.

Les treshumbles, & trespobeyssants,
& tressaffectionés serviteurs,

Roths

Montrose

Leslie

Marre

Montgomery

Loudoun

Forrester.

Englisched

Englished thus ;

S I R,

Y Our Majesty being the Refuge and Sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman Mr. Colvil, to represent to your Majesty the candour and ingenuity, as well of Our Actions and Proceedings, as of our Intentions, which we desire to be engraved and written to the whole World with a Beam of the Sun, as well as to your Majesty. We therefore most humbly beseech you (Sir) to give faith and credit to him, and to all that he shall say on our part, touching us and our Affairs; being most assured (Sir) of an Assistance equal to your wonted Clemency heretofore, and so often shewed to this Nation, which will not yield the Glory to any other whatsoever to be eternally,

Sir,

Your Majesties most humble, most obedient,

and most affectionate Servants,

Rothes

Montrose

Leslie

Marre

Montgomery

Loudoun

Forrester,

‘ Now these Affronts to Our Government, and dangers to Our State,
 ‘ which have no Relation at all to Religion and Law, but in the violation
 ‘ of them both, have necessitated Us to put the Forces of this Our Realm
 ‘ in order, and Our Self into a condition to be able (by God’s help) to
 ‘ vindicate Our Safety and Honour against all those that under pretence
 ‘ of Religion and Law, have already risen, or shall rise up against Us, and
 ‘ to preserve and keep in safety Our Good and Loyal Subjects, and to take
 ‘ care that the Gangrene be cut off before it spread too far, to the endanger-
 ‘ ing of this Our Kingdom of *England*. Nevertheless We profess before
 ‘ God and all the World, that We never did, nor ever will hinder them from
 ‘ the enjoying of their Religion and Liberties, according to the Ecclesiasti-
 ‘ cal and Civil Laws of that Our Kingdom, and according to Our Promise
 ‘ and their Desires, subscribed by themselves at the *Pacification*; but that
 ‘ We will Govern them as a Just and Religious Prince: In assurance where-
 ‘ of, if they will yet acknowledg their former Crimes and Exorbitancies,
 ‘ and in an humble and submissive manner, like penitent *Delinquents*, crave
 ‘ Pardon for what is past, and yield Obedience for the time to come, they
 ‘ shall still find that We will be more sensible of their Conversion, than
 ‘ We have been of their Rebellions; and that We rather desire their Re-
 ‘ formation, than their Destruction. But if they persist in their Rebellious
 ‘ Courses, and by that which they call the enjoying of their Religion and
 ‘ Liberties, according to the Ecclesiastical and Civil Laws of that Kingdom,
 ‘ will understand nothing but the trampling of Our Crown and Royal
 ‘ Authority under their Feet, and the endeavouring to subvert all Laws
 ‘ and Religion, as they have done hitherto by their Proceedings in the As-
 ‘ sembly and Parliament, then We hold Our Self obliged, in discharge of
 ‘ that Duty which We owe to God and the Government which he hath en-
 ‘ trusted to Us, to have recourse to Our coercive Power, to prevent so
 ‘ many imminent Dangers as threatned the Publick. This We take God

‘ to

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to witness We are necessitated to, and shall not undertake without extreme sorrow and reluctance. Nevertheless We trust that God, whose Vicegerent we are and by whom alone Kings Reign, being likewise a God of Truth, and a severe punisher of all Falshood and Imposture, will no longer suffer his Glory to be despised and prophaned in our Person, by gross Hypocrisie, under the counterfeited habit of Religion, but will arise and scatter His and Our Enemies.

And for this Noble *English* Nation, whose Glory it hath been to have been governed many hundreds of Years under a Monarchy, We doubt not but they will, as it becomes loyal and faithful Subjects, continue their Affection to Us and Monarchical Government, and not suffer themselves to be debauched and betrayed into an Anarchy, by such as envy the happiness they have so long enjoyed, and the many glorious Victories which they have achieved, under Kingly Government, but following the example of the Lords of our Council, and of our Servants, will chearfully assist Us in this Our Just Cause, wherein our Honour and Safety, together with theirs, are so highly concerned.

Our Subjects in *Ireland*, by their late Declaration in Parliament, have not only given Us a considerable Supply toward Our present Preparations, to reduce Our disaffected Subjects in *Scotland* to their due Obedience, but have humbly offered Us their Persons and Estates, even to the uttermost of their Abilities for Our future Supply in a Parliamentary way, as Our great Occasions (should that Distemper continue) shall require. And this they desire may be recorded as an Ordinance of Parliament, and that it may be published in Print for a Testimony to all the World, and to succeeding Ages, of their Loyalty and Affection to Us, as it well deserves. This is a singular comfort to Us in the midst of these Distractions; and We have no cause to doubt but our Subjects of *England*, who are nearer to the Danger, will shew the like tenderness of Our and their own Honour and Safety, which will be no less contentment to Us, and make Us, as a Father of Our People, take the same care of their Preservation and Prosperity, that We shall of Our own. And this We assure them, in the Word of a Prince, We shall ever do.

The end of the Kings Declaration.

Thus every thing grew worse and worse in a tendency to a new Rupture; and one remarkable Accident did not a little awaken those just resentments which His Majesty had conceived against the Covenanters; for upon the 19th of *November* being the Anniversary of the Kings Birth-day, part of the Walls of the Castle of *Edenburgh* fell down, and the King having given order for the necessary repair, the Covenanters would not suffer any materials to be carried in for that purpose.

The King began now to think of a new War in good earnest, to which he saw himself necessitated by the repeated Affronts and Insolencies of the Covenanters, But how to be furnished with Money to defray the expences of it was all the difficulty. After many Consultations, the Lords of the Council advised the calling of a Parliament as the best expedient to ingratiate himself with the People, and to assist him both with supply of Money and Counsel: to this the King who was a great lover of Parliaments, till the Practices of some intemperate Spirits had justly exasperated him, easily accorded: and in compliance with this advice and hopes of bor-

borrowing Money for the management of his Affairs; upon the Credit of Parliamtary supplyes, His Majesty intimated that a Parliament should be called to sit upon the 13th of *April* in the year following.

Accordingly Writs were Issued out for the Choice of the respective Members, Knights, Citizens and Burgessees, and which was no good Omen of their future proceedings, in many places the Elections were managed with much Popular heat and tumult by the Countenance of those English Nobility and Gentry of the Scottish faction, as this following account of Mr. *Nevils* of *Cressing-Temple* sent to the Secretary of State, and still remaining in the Paper-Office, does but too plainly shew.

These things were observed about our Election of Knights for the Shire of Essex.

I. ' **B**Efore the Election the Earl of *Warwick* made good Use of his Lord Lieutenancy, in sending Letters out to the Captains of the Train-Bands, who having Power to Charge the People with Arms, durst not offend, which brought many of his side.

II. ' Sir *Thomas Barrington*, and Sir *Hairbottle Grimston*, that Morning the Election was made, went from their own Lodging to the Lord of *Warwick's* Lodging, and whilst they were there, Thousands of People shouting, a Man drew a Sword, and flourish'd it about his head, in great glory before his Window.

III. ' It was said amongst the People that if *Nevil* had the day, they would tear the Gentlemen to pieces, and there was a man apprehended for saying the same words, and added that there was a hundred more of his mind.

IV. ' The Man that was apprehended, the Bail was taken by the Earl of *Warwick*, Sir *Cramner Harris*, and Captain *Bernard* being his Bayl to his great Popular Glory, my Lord *Maynard* intreating Sir *Hen. Mildmay* of *Chelmsford*, to take Bayl, being the Affront was offered to my Lord of *Carlisle*, my Lord *Maynard* and the rest of the Gentry, in those threatening Speeches.

V. ' Mr. *Rogers* of *Weatherfield*, being a silenc'd Minister, coming into the *Sessions House*, they made Room for him to sit down, and give him ease, by my Lord of *Warwick's* Command.

VI. ' Those Ministers who gave their voices for my Lord of *Warwick*, as Mr. *Marshal* and others, Preached often out of their own Parishes before the Election.

VII. ' Our Corporations of *Essex* consisting most of *Puritans*, and having had their Voices in Electing their own Burgessees, and then to come to Elect Knights, is more than the greatest Lord of *England* hath in their Burroughs, the Multiplicity of the People are mean conditioned, and most Factionous, and few Subsidy-Men, and therefore no way concerned in the Election.

1639.

A considerable Loan to His Majesty by the great Lords, Gentlemen & others.

A Parliament in Ireland supply the King with Men and Money.

VIII. 'A man having but Forty Shillings a Year Freehold, hath as great
'a Voice in the Election as any, and yet this Man is never a Subsidy-Man,
'and therefore no way concerned in the Election, for his own Particular;
'and when the Statute was made Forty Shillings it was then twenty Pound
'in value now: And it were a great Quiet to the State, if it were re-
'duced to that, and then Gentlemen would be looked upon, and it would
'save the Ministers a great deal of pains, in Preaching from their own
'Churches.

In the mean time the Lord Deputy of *Ireland*, who had been sent for over in *November*, and in whose advice in matters of State the King confided very much, and who was created Earl of *Stafford*, Lord Lieutenant of the Kingdom of *Ireland*, and Knight of the most Noble Order of the Garter, returned to that Kingdom to advance Men and Money there for His Majesties Service. But before he went, for a good example to others he subscribed Twenty thousand pounds by way of Loan to His Majesty for a present supply of his Exigencies, which was followed by the Duke of *Richmond* with the like Sum, and most of the Lords Temporal, the Bishops, Judges, Officers and dependants upon the Courts of Judicature, both of Common and Civil Law, and generally all the Gentry of Estates who were not of the *Scottish* leaven contributed according to their Abilities to His Majesties present supply.

Upon the Lord Lieutenants arrival at *Dublin*, and the meeting of the Parliament which had before been summoned there, he so well acquitted himself in His Majesties Service, that he obtained An Act of Parliament for Four intire Subsidies; and in regard the Preamble of the Act gives a good Character of that Great man, it will not be amiss here to insert it.

In that His Majesty hath provided and placed over us so Just, Wise, Vigilant, and Profitable a Governour, as the Right Honourable Thomas Earl of Strafford, Lord Lieutenant of this your said Kingdom of Ireland, who by his great care and travel of Body and Mind, sincere and upright Administration of Justice without partiality; encrease of your Majesties Revenues, without the least hurt or grievance to any of your wel-disposed and loving Subjects, and our great Comfort and Security, by the large and ample Benefits which we have received, and hope to receive by your Majesties Commission of Grace for Remedy of defective Titles, procured hither by his Lordship from your Sacred Majesty; His Lordships great care and pains in Restoration of the Church; the reinforcing of your Army within this Kingdom, and ordering the same with singular good Discipline; His support of your Majesties wholesome Laws here established; his encouragement to your Judges, and other good Officers, Ministers, and Dispensers of your Laws in the due and sincere Administration of Justice; his necessary and just strictness for the Execution thereof, his due punishment of the Contemners of the same, and his care to relieve and redress the Poor and Oppressed. For this your tender care over us shewed by the Deputy, and supporting so good Governours, &c. We in free recognition of your great Goodness towards Us, do, for the abbreviation of some part of your Majesties inestimable Charges, most humbly and freely offer to your Majesty four entire Subsidies, &c.

He also raised an Army of 8000 Horse and Foot to be ready to give His Majesty all the Assistance he could against the Rebellious Covenanters of *Scotland*.

An Account of which their Proceedings was communicated to the Lords of His Majesties most Honourable Privy Council, April 1. with this following Letter to Mr. Secretary Windebank, together with a Declaration of the House of Commons in Ireland.

1640.

S I R,

THE resolution taken this day in the Commons House of Parliament; and the observable circumstances which occurred therein, in our view who have the honour to serve His Majesty, as of his Privy Council here; and who as Members of the House of Commons, were present and Co-operating in that Resolution, have rendred to us such inward joy and contentment, in the apprehension of the intire affections and great Loyalty of this people, abundantly testified thereby, as we esteem it our duties to hasten the glad advertisement thereof to His Sacred Majesty.

After the proposal of such Acts of Grace and advantage to the subject, as we conceived most fit to lead in order to the propounding of the Subsidies; six Subsidies were demanded for His Majesty. Whereupon divers members of the House spake thereunto; some of the Natives declaring, That as six were granted the last Parliament, towards enabling the King to pay the debts contracted for the occasions of this Crown, and for the better settlement of the Revenues, so at this time six or more are fit to be given, it being apparent that the peace and safety of the Kingdom are become so nearly concerned. Some also of the Natives shewing divers presidents in ancient Times, and among those, some, whereby the King by a Mandate from himself alone without a Parliament, caused Moneys and Goods to be taken in Ireland from Merchants and others, towards defraying the Charges of his Expeditions against the Scots, for defence of his Kingdom: And those having enlarged themselves in that point, mentioned the abundant Clemency and Piety of His Majesty, in being so indulgent to his Subjects, as to decline that example of his Progenitors, and require Aid of his Subjects in a Parliamentary way. Some of them said that His Majesty should have a fee simple of Subsidies in their Estates upon like occasions, others of them with great chearfulness declared that to answer His Majesties occasions for the Honour of his person, and safety of his Kingdoms, it was fit to be done though it were with leaving themselves nothing besides Hose, and Doublet; some of them with much earnestness after forward expressions of readiness towards advancing the business, concluded that as His Majesty is the best of Kings, so his people should strive to be ranked amongst the best of Subjects. Thus every of them in a manner, seeming to contend with one another, who should shew most affection and forwardness to comply with His Majesties Occasions; and all of them expressing even with passion how much they abhor and detest the Scottish Covenanters, and how readily every mans hand ought to be laid on his Sword, to assist the King in the reducing of them, by force to the Obedience and Loyalty of Subjects, they desired that themselves and others of this Nation might have the honour to be employed in this Expedition, and declared with very great Demonstration of chearful affections, That their hearts contained Mines of Subsidies, for His Majesty, That Twenty Subsidies, of their Abilities were equal with their desires, were too little to be given to so sacred a Majesty, from whose Princely Clemency, by the ministration of the Lord Lieutenant, so many and so gracious favours are continually derived unto them, That the promises made unto them by his Lordship the last Parliament on His Majesties behalf, have been fully and effectually performed in all things to their Comfort and Contentment; That the Subjects of this Kingdom are infinitely

I 640.

bound to His Majesty for his gracious favour in giving them the first opportunity, thus early before others of his Subjects, to manifest their faith and loyalty to him; and in the end considering the present Condition of the Kingdom, and how unable they are without too much pressure to advance more at this time, They humbly besought that by the Lord Lieutenants interposition to His Majesty, four Subsidies might be accepted from them at this time; yet with this Declaration made by them, with as much Demonstration of Loyalty as ever Nation or people expressed towards a King, That if more than these four shall be requisite and the occasions of the War continue, They will be ready to grant more; and to lay down their Persons, Lives and Estates at His Majesties Feet, to furnish his Royal Designs for Correction of the disordered factions in Scotland, and reducing them to a right understanding of themselves, and for the defence and safety of His Majesties Kingdoms and people. And they earnestly desired us of the Council then present, that immediately after the rising of the House, we would represent this from the House to the Lord Lieutenant, which they did with General Actclamations and signs of Joy and Contentment; even to the throwing up of their hats, and lifting up of their hands.

The question being put for the granting of four Subsidies, with such a Declaration to be made, beside the Act of Subsidy, It was unanimously assented unto by the whole House, there being found therein not one Negative Voice; which we mention for the glory of His Majesty that hath so good and Loyal Subjects, and for the Honour of this Government and Nation; and at the request of the House, select Committees were appointed to draw up the Declaration, which will be Printed with the Act of Subsidie.

And we intreat you as speedily as you may to make known to his Majesty these passages, which are, (as we humbly conceive) of mighty importance to the Honour of His Majesty and safety of his Dominions.

And because no words are able fully to set forth the chearfulness wherewith this people did in this particular manifest their sense of His Majesties Occasions, by their desires to further his Royal Innentions, and their entire affections to preserve the honour of his Person, and all with most lively expressions of their Duty and Loyalty towards him; We of his Council could have wished if it had been possible that His Majesty had been in his own Person an eye-witness of this days carriage, which we humbly conceive would have been of much more value in his Royal Estimation than Twenty Subsidies. And so Sir we remain, from his Majesties Castle of Dublin the twenty third of March, 1639.

Your very assured Loving Friends,

John Dillon.
William Parsons.
Ph. Maenwaring.
Edward Trevor.
William St. Leger.
Chr. Wandesford.

Cha. Coote.
Geo. Radcliffe.
Adam Loftus.
John Borlasse.
Tho. Rotherham.
Ro. Meredeth.

A Declaration of the Commons House of Parliament.

Whereas they have with one consent chearfully given to his Majesty four entire Subsidies towards his present preparation to reduce his disaffected Subjects the Cobenanners in Scotland to their due Obedience. They still hope that his Majesties great Wisdom and unexampled clemency may yet prevail, even with the worse affected of those his Subjects, to bring them to that Conformity and Submission, which by the Laws of God and Nature they owe unto him. But if his Majesty shall be enforced to use his power to vindicate his just Authority, this House for themselves, and the Commons of this Kingdom do profess, that their zeal and duty shall not stay here at these four Subsidies. But they do humbly offer their Persons and Estates, even to the utmost of their Ability, for his Majesties future Supply in a Parliamentary way, as his great occasions by the continuance of that distemper shall require. This they pray that it may be represented to his Sacred Majesty, by the Right Honourable the Lord Lieutenant. That it may be recorded as an Ordinance of Parliament; and that it may be published in Print for a Testimony to all the World and succeeding Ages, That as this Kingdom hath the happiness to be Governed by the best of Kings, so they are desirous to give his Majesty just cause to account of this People amongst the best of his Subjects.

A Declaration
of the Irish
Parliament.

While the *Scotish* Commissioners who were sent to try to divert the storm which threatened them were in *England*, they were no less diligent to form a Party there to favour their designs of a pretended Reformation; the Extirpation of Episcopacy, and the setting up of the Covenant and Presbytery; of which this following Letter gives us a good specimen.

For the Right Honourable, Philip Earl of Pembroke and Montgomery, Lord Chamberlain of His Majesties Household.

My good Lord,

I Have large encouragement to use freedom, both from your own favors to me, and my affection to your Lordship, and so may expostulate with you, for withdrawing your wonted (and even lately expressed) respects at the Camp to this Nation. You found we had reason for our lawful Defence, and that we had loyal Hearts to our Prince, and Justice in our Desires; which moved you to plead for us, and so engaged the Affection of many to you. But sithence, when my Lord Traquair made his Relation, that moved hard Conclusions against us, not requiring so much as that it should not obtain Truth to the prejudice of a Noble Nation, till we were heard; and agreeing that an Army should be levied, and lending Monies, hath much grieved us, to be disappointed of one we so much trusted. I have therefore been bold to entreat that we may keep better Correspondency, or else by mistake we may be brought again to begin a mischief that will not end in our days. As we have formerly declined it, so shall it not be our fault. And it lies in your Lordship, and in other great persons, to prevent these Evils. You have lived in all great Ease, Peace, and Plenty for many years, as any Nation in the World; and if

The Earl of
Roths his Letter
to the Earl
of Pembroke,
and his Answer
to the
same.

1639.

‘you can like to interrupt your own Happiness for the pleasure of some
 ‘ Prelates, who will share little with the Hardships and Dangers that will
 ‘ be endured, you are not well advised. The Earl of *Damfermling*, and
 ‘ Lord *Loudon*, are sent with a full information of our business. They will
 ‘ wait upon your Lordship, and expect your wonted Assistance. They all
 ‘ (as much as may be) decline War, except you will now needs have it.
 ‘ We hope your Lordship and others will make use of these Reasons for
 ‘ the right end, which will fix a great deal of Obligation from both Nations
 ‘ on you, and shall infinitely increase my respects, desiring to continue.

Edenburg, Jan.
 29. 1639.

Tour Lordships

most humble Servant,

R O T H E S.

To which the Earl of *Pembroke* returned this Loyal answer.

For the Right Honourable, the Earl of *Roths*, these

My good Lord,

The Earl of
Pembroke's
 Answer.

THe Civilities and good respects which I placed upon you, at the time of my being in the Camp, you stile Encouragements, and insinuate them as Reasons why you may expostulate with me. Tour Premises I allow you, but your Inference I return you again, as fuller of Sophistry and mean Designs, than of Truth or Reason.

First, I never allowed your Defence lawfully undertaken, by other Arms than by Petitions and Prayers unto your Master. I never found Loyalty in your Covenant, nor Duty in your taking up Arms. I never affirmed the Justice of your Cause; neither did I consider so much the Merit thereof, as your unwarrantable and tumultuous disobedience therein unto the King, with the Vexation and Disturbance it brought upon the Nobility of this Kingdom. Neither was I in all this Commotion your Advocate for other reasons, than suffering myself to become a Mediator to His Majesty for your Peace and Forgiveness, moved thereunto by your frequent Protestations of paying all Duty and Loyalty to your Masters Commands.

If from hence you haply gained from me an easier Credulity, that your mask'd Designs deserv'd at my hands, I know not why you should obtrude on me an Alteration of my Opinion, or a withdrawing of my (but conditional) Respects from you. Thus far an Answer to what concerns me.

And now, as a Counsellor of England, let me be bold to expostulate with you upon that which follows in your Letters.

How cometh it to pass that you should upbraid us, or expect from us, that we should not give credit to my Lord *Traquair's* Relation; that we did not mediate with the King, to change his Resolution of sending forth an Army; and that we did not deny the King Loans of Money for his Service?

My Lord, These enforcements perhaps as little become you, as it is certainly unlawful and undutiful in the Subjects of England to dispute it with their King. You may pretend Religion to be the sole Cause of your Grievance; but we believe it a woful Religion here, that hath thus devested it self of all Moral Duty and Civility. Nay, you go further, you threaten and fear us with a Mis-
 chief

chief that will not end in our days; and boldly make it your own Act, to have declined it hitherto, without Obligation to the Kings Mercy at all. You tell us of Plenty, and Ease, and Happiness for many years enjoyed, and wonder we should expose all those to hazard for the pleasure of some few Prelates.

1639.

My Lord, These are Arguments for common People, and Men of broken Fancies to feed upon; but such Suggestions will not find nor make a Party here. Perhaps it may blow them into a Flame, whose Zeal already hath burnt up their Duty and conscionable Allegiance unto their Master.

To be short, as I never had a Correspondency of Business with your Lordship, so your Letters have assured me it is dangerous to begin it. Yet for the Peace of both the Churches and Kingdoms, I will adventure to give you this Intelligence, That we have not (in our Council here) proceeded against you without deliberation, a good Conscience, and a just sence of Honour. Neither shall I, or any of us, be entreated or feared by you, or any of you, for contributing our Assents or Fortunes thereunto, but as our Master shall command us.

Lastly, Know you, my Lord of Rothes, that the return of my old Friendship to you is to be expected, when I shall hear of your Renovation. Be simple my Lord Rothes, and not a Covenanter, and I shall be the same.

Whitehall, March

8th 1679.

P. & M.

Nor were they less industrious in drawing in a party of the Commons and Gentry, making use of all the stratagems imaginable to alienate the minds of the Subjects from His Majesty and the Government; they kept up and maintained constant intelligence with the discontented party in England; and in a Letter to Sir Henry Vane Principal Secretary of State yet extant in the Paper Office. I have seen an Information, how they made use of the Petty-Chapmen, or Scots Pedlers to convey intelligence and gain a Party all over England, by insinuating Fears and Jealousies into the minds of People, of the frightful design of the Court and Bishops to introduce Popery and Arbitrary Government; and that the Reader may not think this my private Opinion; besides the forementioned Letter, here follows so much of a Letter, as conduces to this purpose, written to Sr. Henry Vane from one Mr. Edward Bold, the original of which is in the Paper-Office among Sr. Henry Vane's Papers.

The Scots Art and Industry to gain a Party in England.

Right Honourable,

Had not a little mischance befallen me, I had not thus long neglected to wait upon your Honour, by these I will only let your Honour know, that the Covenanters have one George Wachop come with Letters, who is after their first speech with His Majesty to return with order to Scotland what the Countrey shall do: he came Post, and hath challenged me for speaking against the Scots proceedings; he hath also writ to Scotland of it, and Letters are come from thence to divers Covenanters and Intelligencers here which I have seen, that if I turn not my tongue and speak well of their Actions it shall cost me my life. It were good to attend

A Letter to Sir H. Vane from Mr. Bold shewing the same:

1640.

attend *Wachup's* departure, and try for the Men who told him what I said, which was that the North part of this Kingdom is too well affected to their proceedings, I know his lodging, &c.

Your Honours

humbly devoted Servant

EDWARD BOLD.

In the month of *January*, a most splend Ambassage arrived from the States General of the United Provinces, the *Heer Somerdick* the Ambassador being accompanied by Count *William* of *Nassaw*, and the *Rhine-Grave*, the business of this Embassy was to give His Majesty satisfaction concerning the late attempt made by the *Dutch-Fleet* upon the *Spaniards* in the *Downs*; and to make a proposition of a marriage between the young Prince of *Aurange*, and the Kings eldest Daughter; The Kings affairs would not admit of a Rupture with the States, otherwise it might have cost them dear, for such a bold attempt in that Road, which is called His Majesties Chamber.

The death of
Archbishop
Spotswood.

Towards the later end of this year died *John Spotswood*, Archbishop of *St. Andrews*, Primate and Chancellor of *Scotland*, and lieth buried in the *Abby-Church* of *Westminster* near his beloved Master King *James*. He was a person advanced for his merit to that high Character, which he supported with so great Prudence, Conduct and Integrity as made it appear he deserved his Honour and Dignity; he came to the Grave in Peace and a good old age, and had the Happiness not to be witness to those Calamities and Desolations which afterwards happened to his Countrey.

The death of
Sir Thomas
Coventry Lord
Keeper.

About the same time also died that grave and learned Judg *Sr. Thomas Coventry*, Privy Counsellor to the King, after he had been Lord Keeper of the Great Seal of *England* Fifteen years, a Person of unblemisht Reputation for his great Loyalty and impartial Administration of Justice.

Sir John Finch
made Lord
Keeper.

Sr. John Finch Lord chief Justice of the Common Pleas succeeded him in the Honourable Office of Lord Keeper of the Great Seal of *England*; immediately after his entrance upon which, at the end of *Hilary Term* he made this speech to the Judges by the Kings Command.

My Lords the Judges,

His Speech to
Judges.

THE Term is now done, the House of Justice is broken up, yet Justice goes not from us; for such is the Wisdom and Goodness of His Majesty, that all his Subjects may have Justice administred unto them in certainty, and with ease and equality. In Term-time they know where to find Justice; in the Circuits Justice findeth out them.

Your Lordships may know the great Trust, Power, and Authority, that is committed unto you; how the ancient and excellent Institution of Justice in Eyre is transmigrated into you; and it is a thing will well become your Lordships, to uphold the Dignity of your Places, and to preserve that due respect and reverence that is owing unto you by virtue of your Places. It is Stoutness and Courage, and Magnanimity, that becomes a Magistrate, nay, should I say Severity, I should agree with the saying of the Orator.

There

There are some that affect Popularity, diving into the Peoples Hearts with kisses, offerings, and fawnings. This becomes no subordinate Magistrate. It is your part, my Lords, to break the Insolencies of such — before it approach too near the Royal Throne. And you cannot too much uphold that Reverence and Respect that is owing to your Places upon the Bench; when you shall give an account of such as these that mis-behave themselves, you, my Lords the Judges, shall quickly see the Commission shall not be troubled with them. The Officers, and all other Ministers of Justice, are to attend you to this like purpose, to receive Information from you. You shall do well to look to them, that they do not oppress the People by unjust exaction and extortion; let them be careful to look to the execution of Justice, for Execution is the Life of the Law; for whosoever by wilfulness or negligence suffereth not the Law to be put in Execution, doth as much as in him lieth wound the Law in the Life thereof. Sometimes Sheriffs and under-Sheriffs can hardly be got to execute any Process at all, or Extents, or *Cap. Utlagatum*. They will look through their Fingers, and see when and whom they please, sometime for reward, partiality, and affection, or fear of offending Great Ones, or offending a Multitude. For this they have no Plea; for in Law I am sure it was never known, that it was admitted in Court of Justice for a good Return, that a Sheriff could not execute a Writ, he having *Posse Comitatus* at his Command to assist him, to the end that the Law may not be fruitless, and like a dead Letter, but that vigor may be given unto it.

While I am speaking of this, I cannot forget to put you in mind of one Particular at least, if I may call it a Particular that doth concern the general Safety and Preservation of the whole Kingdom. His Majesty ever since his happy access to this Crown, hath had a vigilant eye of our Neighbours Estates, and taken into his Princely Consideration, out of the affection and love to his People, and tender care of their Preservation, and the Safety of this Kingdom, how active the times are; what preparation is made round about us; what endeavours there are to encrease their Naval Powers in other Nations. It is known well, that the right of the Dominion of the Narrow-Seas belong unto the King, and it hath been His Majesties gracious Wisdom, and Providence, and Care over us, that these Storms have been prevented, that perhaps had fallen upon us before we could have discerned them. The King hath many eyes, many ears, and many hands; and it is impossible for every man to attain to that knowledge of Foreign States that he hath. And I will be bold to say, it is a base and unworthy part to suffer it to enter into the heart of any Man, that we the Subjects of *England*, that have so just, gracious, and pious a King, to imagin, that unless urgent Necessity did require, that His Majesty would charge himself and his Subjects without cause. All the World knoweth he reapeth no benefit by it, and certainly it is a malignant humor to think the contrary. The Regality of it hath been already determined, upon as great, a solid and weighty Debate, as ever was in any Cause in *Westminster-Hall*: It was His Majesties goodness to have it so. And yet I know not how it comes about, I hope it is out of misapprehension, or false intimation put into the Hearts of his People, that there is not alacrity and chearfulness given to the obedience of His Majesties Writs for Ship-money, that his affection and care of his People doth require. God forbid we should stay for provision of Naval Power, till our Enemies be floating upon us. Let them look to their Duties, I doubt

not

1640.

‘not your Lordships will look to see that there be obedience given, and
 ‘that those Officers that do neglect their Duties, may be brought to ac-
 ‘count, that they may know what the displeasure is to disobey His Ma-
 ‘jesties Commands.

‘I shall not trouble your Lordships with many particulars, your Lord-
 ‘ships better know them than I can tell you: yet something I have in
 ‘command from His Majesty.

‘His Majesty (as all that know him) is the great example of Piety,
 ‘and of one that daily frequents the House of God, as any Prince in the
 ‘World; he doth instruct his own People his own way, and commands
 ‘your care to put that Law in Execution, that must bring Men to Gods
 ‘House; and when they are there, they shall learn to obey the Law for
 ‘Conscience sake, and not for by-respects. You know well that we have
 ‘two kinds of Opposers of Religion, as it standeth, and against them it is
 ‘fit you bend your Forces, and your Authority. And certainly, when we
 ‘do consider that for these eighty years and upwards, we have enjoyed
 ‘such Plenty and Peace, as no Nation hath had the like; what can we bet-
 ‘ter attribute it unto, than the flourishing of the Gospel among us? And
 ‘if we shall neglect that great Blessing, all other Blessings will quickly turn
 ‘into Curses.

‘The Popish Recusants begin to increase, His Majesty taketh notice of
 ‘it, he doubteth that there hath not that particular care been taken, in
 ‘looking to them in all places of the Kingdom, as is fit; your Lordships
 ‘attend Civil Causes more than that; he commends it to your care, that
 ‘if it be so now, it be so no more. The Book of Common-Prayer setteth
 ‘forth the Rights and Ceremonies, establishing the Doctrine of the Church
 ‘of *England*, to which no just exception can be taken; for God loveth not
 ‘to have his House empty or wast. Some, out of what humor I know
 ‘not, will scarce admit of any Church at all. I wonder under what show
 ‘of Religion they can shew themselves, when this Book was penned by
 ‘those that shed their Blood, and sealed it with their lives.

‘My Lords, in the next place His Majesty hath commanded me to put
 ‘you in mind of the great abuse that is in this Kingdom, by the swarming
 ‘of Rogues, that hath been so often commended unto you, Your Lord-
 ‘ships shall do well to take course for the suppressing and preventing there-
 ‘of; and that Men of body and mind may be chosen Constables to exe-
 ‘cute their places. One great cause of their increase is, that the Houses of
 ‘Correction, which is the place of their Retreat, are no better looked
 ‘unto. Your Lordships shall do a great service to the Common-wealth, to
 ‘take care that there be stricter course taken of the Houses of Correction,
 ‘that they may be placed near unto the Goal.

‘Another thing is, The excess of Ale-houses, the Nursery of Rogues;
 ‘in that your Lordships shall do well to take a strict account of them in all
 ‘places, for the very number is a Crime.

‘In the third place, The increase of Rogues is, by reason of their not
 ‘putting out of Apprentices, the Seed-Plot of Rogues groweth from thence
 ‘your Lordships care in this also will be very necessary.

‘My Lords, I have nothing more to say, your Lordships are so well
 ‘versed in every thing fit to be given in Charge, that I might be silent.

‘I shall only conclude with one thing, which is a thing that hath been
 ‘by the Lords of this Court commended to your care, upon a Cause that
 ‘hath been here heard; The Court for Sheriffs of Counties, it is not at
 ‘their Will and Pleasure, or for their own Vanity and Ostentation that
 they

‘they are to conduct you, but it is out of their Duty ; and when the Discretion, and generous Disposition of any, shall not teach them how to do it, it is fit for you to call them to account.

1640.

‘Justices of the Peace, you shall have of them that will the first day attend you for an hour or two, perhaps to save a Fine, perhaps to shew their Countrey they are in Commission of the Peace: Emptiness becomes not the Seat of Justice, therefore hold them to their Duty to attend you all the time of the Assizes, and not to depart without your Licence.

‘The King our Master doth as well know Men as any Prince in the World, but it is impossible for him to know all; you are the great Surveyors of the Kingdom, for this purpose it is that Officers and Ministers of Justice are commanded to attend you, to inform you of such as you should have knowledge of, that you may inform His Majesty of them. I have observed (while I had the honour to be Chief Justice of the *Common-Pleas*) that few gave their Attendance; what humour they are of that think themselves too good to serve the King I know not, but let them know that it is in no Mans choice whether he will serve the King in the Ministry of Justice or no. Those that are backward, or have not taken it, give up the Names of them, that they may see what punishment they shall undergo.

‘There are some other Justices of Peace that are put in Commission, to injure their Neighbours, and to domineer over them, and to carry things with a Faction. But upon your intimation of such Persons, the Commission shall be eased of them also.

The Scots who held a Correspondency with several disaffected *English*, presently took the Allarm of the Kings Designs and Preparations, and begun accordingly to provide themselves against all events. All the Arts imaginable were used to excite the People to it, and that which was *Instar omnium*, a Project that never failed to debauch the multitude from their Duty and Allegiance, was the fiery zeal of the Presbyterian Ministers, who were now upon all occasions the spiritual Drums and Trumpets of the Party: The Doctrine which they taught the People from their Pulpits was always seasoned with Rebellion; they taxed the King with the guilt of Violation of the Articles of Pacification, because they were not gratified in all the Acts of their Assembly; they told the People, that the Articles of the Treaty at *Berwick* were by the Kings command publickly burnt by the hand of the common Hangman; which the People who were as Credulous as they were malicious, easily believed upon their Affirmation; and though there were no other foundation for that report, than the Proclamation against, and burning the above-mentioned scandalous Libel about the Treaty, yet they improved it to enflame the People to the War.

The Scots prepare for War.

The Presbyterian Ministers, the chief promoters and incendiaries of the Rebellion.

The great difficulty was to raise money; and here also these Alchymists in Religion turned their Lungs into Bellows to blow the fire which melted the Plate and Rings and Jewels into Currant Coin; the old Fryers and Monks were never more transported to animate People to the Holy War in *Palestine*; than these men were to exhort all to contribute liberally for the supporting and carrying on the Cause. The Holy writings of the Scriptures were at every turn wrested and abused, that they might with greater facility abuse and impose upon the People, who stript themselves of their Ornaments to defend Religion, but all this would not do; and therefore many of the most zealous Lords gave Bonds for great sums of Money.

Their ways to raise Money.

1639.

The Earl of
Sterling dies,
the L. William
Brother to M.
Hamilton suc-
ceeds him.

Memoires of
Duke Hamil-
ton, p. 165.

and one *Dick* a rich Citizen of *Edenburgh* was persuaded to lend them some Thousands of pounds; with this they bought Arms, fortified such places as they thought might be serviceable, without any opposition, except what they met with from the Marquess *Huntley* in the North, and *Niddisdale* in the Southern parts, which was not considerable.

In the month of *February* the Earl of *Sterling* Secretary of *Scotland* dyed, in whose place the King substituted the Lord *William* Brother to the Marquess *Hamilton* in that Office, creating him at the same time Earl of *Lanerick*.

But notwithstanding all the endeavours of the Ministers and the Contributions of the Principal Covenanting Lords, the Confidence of the *Scots* would difficultly have made them surmount the hazards and dangers of a new War; if they had not been encouraged by the Artifice of some of the *English* Nation, and I find a most remarkable instance of it in the Memoirs of the Duke of *Hamilton*, which the Author of that Book affirms he had from Persons of Great Honour, who were fully informed in it, which in his words was thus:

When the Earls of Dumfermline and Lowdon came to London, a Person of Quality of the English Nation, (whose name is suppressed because of the Infamy of this Action) came to them, and with great vehemence pressed them to a new War, and among other motives brought them Engagements in writing from most of the greatest Peers of England to joyn with them, and assist them when they should come into England with an Army. This did much animate them, for they had not the least doubt of the Papers brought them. But all this was discovered at the Treaty of Rippon to have been a base forgery: for there the Scottish Lords looking very sullenly on some of the English Lords, as on Persons of no Faith or Truth, the Lord Mandevil came to the Earl of Rothes, and asked the reason of that change of their Countenance and Behaviour in them, who after some high reflections, at length challenged him and the other Lords of not keeping what they had engaged to them. Upon which that Lord stood amazed, and told him, and so did the other Lords there, that they had sent no such Messages nor Papers to them, and that they had been abused by the blackest Imposture that ever was. But however innocent these English Lords were, there was a very strict Correspondency maintained between several of more inferior Quality, as the event did most plainly justify.

Of this His Majestie taking notice, and desirous to prevent the dangerous Influences of such secret Practices upon his Subjects of *England* issued out his Royal Proclamation, *March* the 30. 1640. as follows.

A Proclamation against Libellous and Seditious Pamphlets and Discourses from *Scotland*.

March 30.
1640.

Whereas of late sundry late Seditious and Libellous pamphlets and Discourses, as well Manuscripts as in Print, have been sent from *Scotland* and other parts of His Majesties Dominions, and spread and published in divers places of this Kingdom of *England*, especially in the City of *London*, which have been framed and contrived by factious spirits, and such as endeavour to cast most unjust and false aspersions and scandals upon His Majesty and his Government, and upon his proceedings with his Subjects in *Scotland*, and to distemperate and alienate from His Majesty

Majesty the hearts of his well affected Subjects, and such as otherwise are no way inclined to such seditious and disloyal courses; His Majesty having taken these disorders into serious consideration, and finding them of dangerous consequence to his Government, if some timely remedy be not applyed; hath with the advice of his Privy Council, thought fit to publish and declare, & by these presents doth publish and declare, that all and every person and persons, of what Degree or quality soever, now have, or hereafter shall have any such libellous and seditious Discourse or Phamphlet, either in Manuscript or Print, concerning His Majesties proceedings with his Subjects in Scotland, (other than such Relations and Discourses concerning the same, as have been published and printed by his Special Licence and Authority) and shall not within ten days after the date of these presents, bring and deliver the same to one of his principal Secretaries of State, all and every such person and persons shall incur the uttermost of such punishments and penalties, as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Pamphlets and Papers.

And whereas there hath been of late a Pamphlet published in Print, intituled, An Information from the States of the Kingdom of Scotland to the Kingdom of England, containing many notorious falshoods and scandals, to the dishonour of His Majesties proceedings with his Subjects in Scotland, sundry Copies of which printed Discourse have been sent from Scotland to divers of His Majesties Subjects in England, especially in the City of London.

And whereas there have been very lately sundry copies of that false and seditious Pamphlet re-printed and published in another Edition, and dispersed in the said City of London, and in sundry other parts of this Kingdom: His Majesty having acquainted the Lords of his Council therewith, and caused the same to be read at the Board, and the said Lords in detestation of so scandalous, seditious and false a discourse, having made humble suit to His Majesty with one consent, that the same might be publickly burnt by the Hangman; His Majesty therefore holding it most necessary, that some such publick demonstration should be made of so great and enormous an intolency, tending to raile Mutiny and Sedition in the Kingdom, is pleased to Declare by these presents, That no person or persons hereafter, of what Degree or condition soever, presume to keep any Copy of any of the Editions of the said Pamphlet. but that within Ten days after this Proclamation published, every such person or persons dwelling in the Countrey remote from London, shall deliver to the next Justice of the Peace adjoyning to his or their dwelling, all and every Copy and Copies thereof, of what Edition soever. the same to be by the said Justices of Peace immediately sent or brought to one of His Majesties principal Secretaries, upon peril of incurring the uttermost of such punishments and penalties as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Pamphlets and Papers, His Majesty hereby pardoning and remitting unto such persons as have formerly had any Copy of the said Discourse in their custody, and shall deliver the same according to this Proclamation, all their offences in their former detaining thereof.

1639.

And if hereafter any seditious and scandalous Pamphlets of like nature, either Manuscripts or Printed, concerning His Majesties proceedings in Scotland, or any other Relations or Discourses concerning the same, shall be published or divulged, other than such Relations or Discourses as shall be printed or published by His Majesties Special Licence or Authority, and that they shall come into the hands of any of His Majesties Subjects, who shall not within ten days after bring the same unto one of His Majesties principal Secretaries of State, if they into whose hands they shall come be or remain in London, or within twenty miles distance of the same, or if they shall remain or be in parts more remote, shall not bring the said seditious Pamphlets or Discourses to one of His Majesties Justices of the Peace, to be by him sent to one of His principal Secretaries of State as aforesaid, His Majesty by the Advice of His Council doth declare, that then every Person so offending, shall incur His Majesties high displeasure, and the uttermost of such penalties and punishment, as by the Laws of this Realm are to be inflicted upon those that keep such scandalous and seditious Papers and Pamphlets without pardon or remission.

The English
Parliament
meets.

Upon the Thirteenth of *April* the Parliament met at *Westminster*, the opening of which was on this manner.

A Proclamation was made before the Lord Steward
in the *Lobby* as followeth.

The manner
of the opening
of the Session.

TH E Kings Most Excellent Majesty doth straightly charge and command all manner of Persons, chosen for the Knights, Citizens and Burgeses, to attend in this present Parliament, that they, nor any of them, do presume to sit or take their places in the Lower House of Parliament, until they, and every of them, have first taken the Oaths of Supremacy and Allegiance in the usual manner and place; nor until the Sheriff shall make return of his Writ according to Statute, unto the Clerk of the Crown in Chancery, and his or their names be there entered in such manner as hath heretofore been accustomed, upon pain of the peril shall fall thereon.

God Save the King.

All Knights, Citizens, and Burgeses, chosen to attend this present Parliament, make your appearance, and answer to your Names as you shall be called.

The

The Names of the Knights, Citizens and Burgeſſes of the Counties, Cities and Borough-Towns of England and Wales, and the Baronie of the Ports now Summoned to ſit in Parliament holden at Weſtminſter the thirteenth day of April, 1640. in the ſixteenth Year of the Reign of our Sovereign Lord King Charles.

A Liſt of the
Parliament of
1640.

Bedford.

Thomas Lord Wentworth
Oliver Luke Knight
Town of Bedford.
Beuchampe St. John Knight
Samuel Luke Knight.

Buckingham.

John Hambden Eſq;
Arthur Goodwyn Eſq;
Town of Buckingham.
Peter Temple Knight & Baronett
Alexander Denton Knight
Borough of Wiccombe.
Edward Verney Knight Marshal
Thomas Lane Eſq;
Borough of Alisbury.
John Packington Baronett
Ralph Verney Eſq;
Borough of Agmondesham,
alias Amersham.
William Drake Eſq;
Edward Walter Junior Eſq;
Borough of Wendover.
Walter Pye Knight
Robert Croke Eſq;
Bennet Hoskins Eſq;
Borough of Merlowe.
John Burlace Eſq;
William Hicks Knight.

Berkshire.

John Fettiplace Eſq;
Henry Marten Eſq;
Borough of New Windſor.
Arthur Ingram Knight
Richard Harrison Knight
Borough of Reading.
Francis Knowles Senior Knight
Francis Knowles Junior Knight

Borough of Wallingford.

Edmond Dunch Eſq;
Unton Croke Eſq;

Borough of Abingdon.
George Stonehouse Baronett.

Cornwall.

Francis Godolphin Eſq;
Richard Buller Knight
Borough of Dunchevit alias
Lanceſton.
Bevell Greynvill Knight
Ambroſe Manaton Eſq;
Borough of Leſkard.
John Harris Eſq;
Sege Kekewich Eſq;
Borough of Loſtwithiel.
Richard Arundel Eſq;
Nicholas Kendall Eſq;
Borough of Truro.
Francis Rows Eſq;
John Roll Gent.
Borough of Bodwyn.
Richard Winn Knight & Baronett
Richard Prideaux Eſq;
Borough of Helſton.
Sidney Godolphin Eſq;
William Godolphin Eſq;
Borough of Saltashe.
George Buller Eſq;
Francis Buller Eſq;
Borough of Camelford.
Pierce Edgcombe Eſq;
Edward Reade Eſq;
Borough of Port-pigham alias
Weſtlowe.
Anthony Mildmay Eſq;
George Potter Eſq;
Borough of Grampond.
Warwick Mohun Eſq;
John Trevanion Eſq;
William Coryton Eſq;

Borough

1639.

Borough of Eastlaw

William Scawen Esq;
William Code Esq;

Borough of Penrin.

Joseph Hall Esq;
Richard Vivion Knight

Borough of Tregony.

Nicholas Burlase Esq;
John Arundell Esq;
John Seyntaubyn Esq;

Borough of Bosling.

Anthony Nichols Esq;
Edward Herle Esq;

Borough of St. Ives.

William Dell Esq;
Henry Martin Knight

Borough of Fowey.

Edwin Rich Esq;
Jonathan Raishleigh Esq;

Borough of St. Jermins.

William Scawen Esq;
John Elliot Esq;

Borough of Michell.

Peter Courtney Esq;
William Chadwell Esq;
Francis Bassett Esq;
Samuel Cosworth Esq;

Borough of Newport.

Nicholas Trefusis Esq;
John Maynard Esq;
Paul Specott Esq;

Borough of St. Mawes.

Jacob Sheffeld Esq;
George Parry Doctor at Law

Borough of Killington.

Samuel Roll Knight
Thomas Gardiner Esq;

Cumberland.

George Dalston Knight
Patrick Curwyn Baronet
City of Carlisle.

William Dalston Esq;
Richard Barwis Esq;

Cambridge-shire.

Dudley North Knight and Bar.
John Cutts Knight

Cambridge-University.

Thomas Eden Doctor at Law
Henry Lucas Esq;

Town of Cambridge.

Thomas Meautes Esq;
Oliver Cromwell Esq;

Cheshire.

q William Brereton Baronet
Thomas Ashton Baronet

City of Chester

Thomas Smith Knight & Alderman
Robert Brerewood Esq;

Derby-shire.

John Mannors Knight
John Curson Baronet

Town of Derby.

William Allostree Esq; & Recorder
Nathanael Hallows Alderman.

Devon-shire.

q Thomas Wise Esq;
Edward Seymour Esq;

City of Exeter.

Robert Walker Esq; Mayor
Jacob Tucker Esq; Alderman

q Borough of Totnes.

Oliver St. John Esq;
John Maynard Esq;

Borough of Plymouth.

Robert Trelawny Esq;
John Waddon Esq;

Borough of Barnestaple.

George Peard Esq;
Thomas Mathew Merchant

Borough of Plimpton.

Richard Strode Knight
Nicholas Slauning Knight, Recorder
Thomas Hele Baronet

Borough of Tavistocke

William Lord Russel
John Pym Esq;

Borough of Dartmouth

Clifton Hardness.

John Upton Esq;
Andrew Voysey Merchant

Borough of Bereaston.

William Strode Esq;
John Harris Esq;

Borough of Tiverton.

Peter Ball Esq; Queens Attorney
Peter St. Hill Esq;

Dorset-

Dorset-shire

Richard Rogers Esq;
George Lord Digby
Town of Pool.
John Pym Esq;
William Constantine Esq;
Borough of Dorchester.
Denzel Hollis Esq;
Dennis Bond Gent,

Borough of Lyne-Regis.
Walter Earle Knight
Edward Prideaux Esq;
Richard Rose Gent.
Borough of Waymouth.
John Strangeways Knight
Thomas Gier Gent.

Melcomb-Regis.
Giles Strangewayes Esq;
Richard King Esq;
Borough of Bridport.
Thomas Trenchard Esq;
John Miller Knight
Borough of Shaftsbury.
William Whitaker Esq; Recorder
Samuel Turner Esquire
Borough of Wareham.

John Treuchard Esq;
Gilbert Jones Doctor of the Civil
Law

Borough of Corfe-Castle.
Henry Jermin Esq;
Giles Green Esq;

Essex.

Thomas Barrington Knight & Bar.
Harbottle Grimston Knight and Bar.
Borough of Colchester.

William Masbam Knight and Bar.
Harbottle Grimston Esq;
Borough of Malden.

Henry Mildmay Knight
John Porter Esq; Recorder
Borough of Harwich.

Thomas Cbeeke Knight
John Jacobs Knight.

Gloucester-shire.

Robert Tracy Knight
Robert Cooke Knight

City of Gloucester.

William Singleton Esq;
Henry Brett Esq;
Borough of Cirencester.

Henry Poole Esq;
John George Esq;
Borough of Tewksbury.
Anthony Ashley Cowper Baronet
Edward Alford Knight.

Huntington-shire.

Thomas Cotton Baronet
Capell Beadle Baronet.
Town of Huntingdon.
Robert Bernard Esq; Recorder
William Mountague Esq;

Hartford-shire.

William Litton Knight
Arthur Capel Esq;
Town of St. Albans.
John Jennings Knight of the Bath
Thomas Conningesby Esq;
Town of Hartford.
Charles Viscount Cranborne
Tho. Fanshaw Knight of the Bath.

Hereford-shire.

Robert Harley Knight of the Bath
Walter Pye Knight.
City of Hereford.

Richard Weaver Gent.
Richard Seaborn Esq;
Borough of Lempster.

William Smaleman Esq;
Walter Kirle Esq;
Borough of Webley.

William Tomkins Esq;
Thomas Tomkins Esq;

Kent.

Roger Twisden Knight and Baronet
Norton Knatchbull Esq;
City of Canterbury.

Ed. Master Esq;
John Nutt Esq;
City of Rochester.

Thomas Walsingham Knight
John Clerk Esq;

Borough

1639.

1640.

Borough of Maidstone.

George Fane Knight.

Francis Barnham Knight.

Borough of Quinborough.

Edward Hales Knight and Baronet.

John Westenholme Knight.

Lincoln-shire.

John Wraye Knight and Baronet.

Edw. Hulley Knight and Baronet.

City of Lincoln.

John Farmery Doctor of the Civil-Law.

Thomas Grantham Esq;

Town of Boston.

Anthony Irby Knight.

William Ellis Esq;

Town of Grimesby.

Gervase Holles Esq;

Christopher Wraye Knight.

Town of Stamford.

Thomas Hatton Knight.

Thomas Hatcher Esq;

Borough of Grantham.

Edward Bash Knight.

Henry Pelham Esq;

Leicester-shire.

Arthur Haselrigge Baronet.

Henry Lord Grey of Ruthen.

Town of Leicester.

Simon Every Esq;

Thomas Cook Esq;

Lancashire.

Gilbert Houghton Knight and Baronet.

William Farrington Esq;

Borough of Preston in Anderness.

Richard Shuttleworth Esq;

Thomas Standishe Esq;

Town of Lancaster.

Roger Kirby Esq;

John Harrison Esq;

Borough of Leverpoole.

Jacob Lord Cranfeilde.

John Holcroft Esq;

Borough of Wigan.

Orlando Bridgeman Esq;

Alexander Rigbie Esq;

Borough of Clithero.

Richard Shuttleworth Gent.

Ralph Ashton Esq;

Borough of Newton.

Richard Wynne Knight and Baronet.

William Sherman Esq;

Middlesex.

Gilbert Gerrard Baronet.

John Franklyn Knight.

City of Westminster.

John Glyn Esq;

William Bell Gent.

City of London.

Thomas Soame Esq; Alderman.

Isaac Pennynton Esq; Alderman.

Matthew Cradocke Merchant.

Samuel Vassel Merchant.

Monmouth-shire.

Thomas Morgan Esq;

Walter Rumsey Esq;

Town of Monmouth.

Charles Jones Esq; Recorder.

William Watkins Esq;

Northampton-shire.

John Crewe Esq;

Gilbert Pickering Knight and Baronet.

City of Peterburgh.

David Cecil Esq;

William Fitz-Williams Esq;

Town of Northampton.

Zouch Tate Esq;

Richard Knightley Junior, Esq;

Borough of Brackley.

Thomas Wenman Knight.

Martin Lister Knight.

Borough of Higham-Ferrers.

Christopher Hatton Knight of the Bath.

Nottingham-shire.

Thomas Hutchinson Knight.

Robert Sutton Esq;

Town of Nottingham.

Charles Cavendish Knight.

Gilbert Boon Sergeant at Law.

Borough

Borough of East-Retford.

Jervas Clifton Knight and Baronet.
Francis Pierrepont Esq;

Norfolk.

John Holland Baronet.
Edward Moundeford Knight.
City of Norwich.
Thomas Atkins Citizen of Nor-
wich.

John Tooley Citizen and Alderm.
Town of Lynne-Regis.
William Doughtie Esq; Alderm.
Thomas Gurlyn Esq; Alderman.
Town of Great Yarmouth.
Edward Owner Esq; Alderman.
Miles Corbet Esq; Recorder.

Town of Thetford.
Thomas Woodhouse Knight and Bar.
Frambugham Gawdy Esq;
Borough of Castle-Rising.
Thomas Talbot Esq;
Nicholas Harman Esq;

Northumberland.

John Fenwick Knight and Baronet.
William Widderington Knight.
Town of Newcastle upon Tyne.
Peter Riddel Knight.
Thomas Liddel Esq;
Borough of Morpeth.
Philip Manwareing Knight.
Thomas Witherings Esq;
Town of Berwick.
Thomas Widdrington Knight.
Hugh Potter Esq;

Oxford-shire.

Jacob Fyennis Esq;
Francis Wenman Knight.
University of Oxford.
Francis Windebank Knight, one of
the Principal Secretaries of State.
John Danvers Knight.
City of Oxford.
Charles Viscount Andover.
Thomas Cooper Gent. Alderman.

Borough of Woodstock.

William Lenthall Esq;
William Fleetwood Knight.
Borough of Banbury.
Nathenies Fyennis Esq;

Rutland.

Baptista Noel Esq;
Guido Palmes Esq;

Surrey.

Richard Onslow Knight.
Ambrose Browne Baronet.
Borough of Southwark.
Robert Holborne Esq;
Richard Taffnell Gent.
Borough of Blechenley.
Edward Bishe Esq;
Edmund Hoskins Esq;
Francis Carew Knight of the Bath.
Borough of Ryegate.
Thomas Thurland Esq;
Thomas Bludder Knight.
John Goodwyn Esq;

Borough of Guilford.
Robert Parkhurst Knight.
George Abbot Esq;
Borough of Gatton.
Samuel Owfield Esq;
Edward Sanders Esq;
Borough of Haslemere.
John Jaques Baronet.
William Elliot Knight.

Stafford-shire.

Edward Littleton Baronet.
William Bowyer Knight.
Borough of Litchfield.
Walter Devoreux Knight.
Richard Dyot Knight.
Town of Stafford.
Ralph Sneyde Gent.
Richard Weston Esq;
Borough of Newcastle upon Tyne.
John Merrick Knight.
Richard Loyd Esq;
Borough of Tamworth.
George Abbot Esq;
Simon Archer Knight.

1640.

Shropshire.

*William Pierpoint Esq;**Vincent Corbet Esq;**Borough of Salop.**Francis Newport Esq;**Thomas Owen, Esq;**Bruges alias Bridgenorth.**Thomas Whitmore Esq;**Edward Acton.**Borough of Ludlow.**Ralph Goodwyn Esq;**Charles Baldwyn Esq;**Great Wenlocke.**Thomas Littleton Esq;**Richard Cresset Esq;**Bishops-Castle.**Robert Howard Knight and Baronet.**Richard Moore Esq;*

Southampton.

*Henry Wallop Knight.**Richard Whitehead Esq;**Borough of Winton.**John Lisley Esq;**William Ogle Knight.**Town of Southampton.**John Mill Baronet.**Thomas Levingston Esq;**Borough of Portsmouth.**William Hamilton Esq; of Lanrick.**Henry Percie Esq;**Borough of Yarmouth.**Philip Lord Lisle.**William Oglander Esq;**John Bulkley Esq;**Borough of Peterfield.**William Lewis Baronet.**William Udal Knight.**Newport alias Medena.**Lucius Viscount Falkland.**Henry Worsley Baronet.**Borough of Stockbridge.**William Jephson Esq;**William Heveingham Esq;**Borough of New-town.**Nicholas Weston Esq;**John Meux Esq;**Christ-Church.**Arnold Herbert Knight.**Henry Tulse Esq;**Borough of Whitchurch.**Thomas Jervoyse Knight.**Richard Jervoyse Esq;**Borough of Lymmington.**John Dedington Esq;**John Kempe Esq;**Borough of Andover.**Richard Wyn Baronet.**Robert Wallop Esq;*

Suffolk.

*Nathanael Barnardiston Knight.**Philip Parker Knight.**Borough of Ipswich.**William Gage Esq;**John Gurdon Esq;**Borough of Dunwich.**Henry Coke Esq;**Anthony Bedingfield Esq;**Borough of Orford.**Charles le Grosse Knight.**Edward Duke Esq;**Borough of Aldburgh.**William Raynborow Esq;**Squire Bence Merchant.**Borough of Sudbury.**Robert Crane Knight and Baronet.**Richard Pepys Esq;**Borough of Eye.**Frederick Cornwallis Knight and Baronet.**Roger North Knight.**Borough of St. Edmondsbury.**Thomas Jermin Knight.**John Godbold Recorder.*

Somerset-shire.

*Ralph Hopton Knight of the Bath.**Thomas Smith Esq;**City of Bristol.**John Glanvil Sergeant at Law.**Humphrey Hook Esq; Alderman.**City of Bath.**Charles Berkley Knight.**Alexander Popham Esq;**City of Wells.**Edward Rodney Knight.**John Baber Esq;**Borough of Taunton.**William Portman Baronet.**Roger Hill Gent.**Borough*

Borough of Bridgewater.

Edmund Windham Esq;

Robert Blake Gent.

Borough of Mynhead.

q

Alexander Popham Esq;

Francis Windham Gent.

Arthar Ducke Doctor of the Civil Law.

Borough of Ilchester.

Henry Berkley Znight.

Edward Philips Esq;

Milborne Port.

Edward Kirton Esq;

Thomas Earle Esq;

Suffex.

Thomas Pelham Baronet.

Anthony Stapely Esq;

City of Chichester.

Christopher Lewknor Esq;

Edward Dowse Esq;

Borough of Horsham.

Thomas Middleton Esq;

Hall Ravenscroft Esq;

Borough of Midhurst.

Thomas May Esq;

Robert Long Esq;

Borough of Lewes.

Herbert Morley Esq;

Jacob Rivers Esq;

Borough of Shoreham.

William Marlot Gent.

John Alford Esq;

Borough of Bramber.

John Suckling Knight.

Thomas Bowyer Baronet.

Borough of Steyning.

John Leeds Knight.

Thomas Farnesfold Knight.

Borough of Eastgrimsted.

Henry Compton Knight of the Bath.

Robert Goodwin Esq;

Borough of Arundel.

Henry Garton Esq;

Henry Goring Esq;

Westmerland.

Philip Musgrave Baronet.

Henry Bellingham Knight and Baronet.

Borough of Appleby.

Richard Vicount Dungarven.

Richard Lowther Esq;

Wilt-shire.

Philip Lord Herbert.

Francis Seymour Knight.

Borough of Salisbury.

Robert Hide Esq; and Recorder.

Michael Olsworth Esq;

Borough of Wilton.

Henry Vane Knight.

Benjamin Rudyerd Knight.

Borough of Downton.

Edward Griffin Knight.

William Eyre Esq;

Borough of Hyndon.

Miles Fleetwood Knight.

George Gerrard Esq;

Borough of Heytsbury.

John Berkley Znight.

Thomas Moor Esq;

Borough of Westbury.

Thomas Penestone Knight.

John Ash Esq;

Borough of Calne.

William Maynard Esq;

Walter Norborne Esq;

Borough of Vize.

Edward Baynton Esq;

Henry Danvers Esq;

Borough of Chippenham.

Edward Hungerford Knight and Baronet.

Edward Baynton Knight.

Borough of Malmsbury.

Nevil Poole Knight.

Anthony Hungerford Esq;

Borough of Kricklade.

Robert Jenner Esq;

Thomas Hodges Esq;

Borough of Bedwyn.

Richard Harding Esq;

Charles Seymour Esq;

Borough of Ludgershall.

William Ashburnham Esq;

John Evelin Knight.

Borough of Old Sarum.

Edward Herbert Esq; Solicitor.

William Howard Knight.

1640.

Wotton Bassett.

*Thomas Windebank Esq;**Edward Hide of Pirton Esq;**Borough of Marleborough.**William Carnaby Knight.**Francis Baskerville Esq;*

Worcester-shire.

*Thomas Littleton Knight and Baronet.**John Packington Baronet.**City of Worcester.**John Cowcher Esq;**John Nash Esq;**Borough of Droitwich.**John Wilde Sergeant at Law.**Samuel Sandys Esq;**Borough of Evelham.**William Sandys Esq;**William Morton Esq;**Borough of Bewdley.**Henry Herbert Knight.*

Warwick-shire.

*Thomas Lucy Knight.**William Combe Esq;**Borough of Coventry.**William Jesson Alderman.**Simon Norton Alderman.**Town of Warwick.**William Purefoy Esq;**Godfrey Bosseville Esq;*

Barons of Cinque-Ports.

*Borough of Hastings.**John Baker Baronet.**Robert Read Esq;**Borough of Winchelsea.**Nicholas Crispe Knight.**John Finch Esq;**Borough of Rye.**John Culpeper Knight.**John White Esq;**Borough of Rumney.**Thomas Godfrey Esq;**William Steele Esq;**Borough of Hyeth.**Henry Heyman Esq;**John Wandesford Esq;**Borough of Dover.**Edward Boys Knight.**Peter Heyman Knight.**Borough of Sandwich.**John Manhood Knight.**Nathaniel Finch Sergeant at Law.*

W A L E S.

Anglesey.

*John Bodvill Esq;**Borough of Bewmaris.**Charles Jones Esq;*

Brecknock-shire.

*William Morgan Esq;**Town of Brecknock.**Herbert Price Esq;*

Cardigan-shire.

*Jacob Lewis Esq;**Town of Cardigan.**John Vaughan Esq;*

Cairmarthen-shire.

*Henry Vaughan Esq;**Town of Cairmarthen.**Francis Lloyd Esq;*

Cairnarvon-shire.

*Thomas Glynn Esq;**Town of Cairnarvon.**John Glynn Esq;*

Denbigh-

Denbigh-shire.

Thomas Salisbury Baronet.
Town of Denbigh.
John Salisbury Junior Esq;

Flint-shire.

John Mostyn Esq;
Town of Flint.
Thomas Hanmer Baronet.

Glamorgan-shire.

Edward Stradling Knight and Baronet.
Town of Cardiffe.
William Herbert Esq;

Merioneth-shire.

Henry Wynn Esq;

Pembroke-shire.

John Wogan the elder, Esq;
Town of Hartfordweston.
Hugh Owen Esq;
Town of Pembroke.
John Stepney Baronet.

Montgomery-shire.

Richard Herbert Esq;
Town of Montgomery.
Henry Lloyd Knight.

Radnor-shire.

Charles Price Esq;
Town of Radnor.
Richard Jones Esq;

York-shire.

Henry Bellasis Esq;
William Savil Baronet.

City of York.

Edward Osborne Baronet
Roger Jaques Knight.
Town of Kingston upon Hull.
John Lister Knight
Henry Vane Esq;

Borough of Knasborough.

Henry Slingsby Baronet
Henry Benson Esq;

Borough of Scarborough.

Hugh Cholmley Knight
John Hotham Esq;

Borough of Rippon.

William Mallory Esq;
Paul Neile Knight.

Borough of Richmond.

William Pennington Baronet
Major Norton Esq;

Borough of Heydon.

Philip Stapleton Knight
John Allured Esq;

Borough of Borough-bridge.

Ferdinand Fairfax Knight
Francis Nevil Esq;

Borough of Thurske.

John Bellasis Esq;
William Frankland Esq;

Borough of Aldburgh.

Richard Aldburgh Esq;
Brian Palmes Esq;

Borough of Beverley.

John Hotham Knight and Baronet
Michael Warton Esq;

Borough of Pomfret.

John Ramsden Knight
George Wentworth Knight.

I 640.

A Catalogue of the Lords Spiritual and Temporal summoned by the Kings Writ to appear in Parliament appointed to meet at *Westminster* the Thirteenth of April, 1640.

Prince Charles.
James Duke of York.

Dukes.

George Villiers, Duke, Marquess, and Earl of Buckingham, and Coventry, Viscount Villiers, Baron of Whodden, *infra ætatem*.

Marquesses.

John Pawlet Marquess of Winchester, Earl of Wiltshire, and Lord St. John of Basing.

Earles.

Thomas Howard Earl of Arundel and Surrey, Earl Marshal of England and Knight of the Garter.

Awbery Vere, Earl of Oxford, &c. Algernon Percy, Earl of Northumberland, Lord Poynings, Fitzpayn, and Brian, Knight of the Garter, Lord High Admiral.

George Talbot, Earl of Shrewsbury, Lord Talbot, Furnival Verdon, and Strange of Blackmere.

Anthony Gray Earl of Kent, Lord Ruthin.

William Stanley Earl of Derby, Lord Stanley, Strange of Knocking, and of the Isle of Man, Kt. of the Garter.

Henry Somerset Earl of Worcester, Lord Herbert Ragland and Gower.

George Manners Earl of Rutland, Lord Ross of Hamelake, Belvoir and Trusbut.

Francis Clifford Earl of Cumberland, Lord Clifford, Westmerland and Vesey.

Edward Ratcliffe Earl of Sussex, Viscount Fitz-Walter, Lord Egremont and Burnel.

Henry Hastings Earl of Huntington, Lord Hastings, Hungerford, Botreaux Moeles, and Molyms.

Henry Bouchier Earl of Bath, and Lord Fitz-Warin.

Thomas Wriothsley Earl of Southampton, and Baron Wriothsley of Tichfield.

Francis Russel Earl of Bedford and Lord Russel.

Philip Herbert Earl of Pembroke and Montgomery, Baron Herbert of Cardiffe and Shirland, Lord Parre and Ross of Kendal, Marmion, and St. Quinton, Lord Chamberlain of His Majesties Household and Knight of the Garter.

William Seymour Earl of Hartford, and Baron Beachamp.

Robert Devereux Earl of Essex, Viscount Hereford and Bouchier, Lord Ferrers of Chartley, Bouchier and Lovain.

Theophilus Fyne Earl of Lincoln and Lord Clinton.

Charles Howard Earl of Nottingham, and Lord Howard of Effingham.

Earls made since the first of King James.

Theophilus Howard Earl of Suffolk, Lord Howard of Walden, and Knight of the Garter.

Edward Sackville Earl of Dorset and Baron Buckhurst, Knight of the Garter, and Lord Chamberlain to the Queens Majesty.

William

William Cecil Earl of *Salisbury*,
Viscount *Gramborne* and Baron
Cecil of *Fffinden*, Knight of the
Garter.

William Cecil Earl of *Exeter*, Ba-
ron *Burgeley*, Knight of the Gar-
ter.

Robert Carre Earl of *Somerset*,
Viscount *Rocheſter* and Baron
of *Branspath*, Knight of the
Garter.

John Egerton Earl of *Bridgwater*,
Viscount *Brackley*, and Baron
Ellesmere, Lord President of
Wales.

Robert Sidney Earl of *Leiceſter*,
Viscount *Liſle*, Baron *Sidney* of
Fenhurſt.

Spencer Compton Earl of *Northam-*
pton, Baron *Compton* of *Compton*.

Robert Rich Earl of *Warwick*, and
Lord *Rich* of *Leeze*.

William Cavendiſh Earl of *Devon-*
ſhire and Baron *Cavendiſh* of
Hardwicke *infra ætatem*.

James Hamilton Earl of *Cambridge*,
Marqueſs of *Hamilton*, Earl of
Arran, Baron of *Even* and *A-*
berbroth, Maſter of the Horſe
to His Maſteſty, Knight of the
Garter.

James Stuart Earl of *March*, Duke
of *Lenox*, Lord *Aubigny*, Baron
of *Leighton Bromeswold*, Lord
Darnley, *Mertiven*, and *St. An-*
drews, Knight of the Garter.

James Hay Earl of *Carlisle*, Viſ-
count *Doncaſter*, Lord *Hay* of
Sauley.

William Fielding Earl of *Denbigh*,
Viſcount *Fielding*, and Baron
of *Newnhampadox*.

John Digby Earl of *Briſtol*, and Ba-
ron *Digby* of *Shirborne*.

Lionell Cranfield Earl of *Middleſex*,
and Baron *Cranfield* of *Cran-*
field.

Charles Villiers Earl of *Angleſey*,
Lord *Daventry*, *infra ætatem*.

Henry Rich Earl of *Holland*, Ba-
ron *Kenſington* of *Kenſington*, and
Knight of the Garter.

John Hollis Earl of *Clare*, Lord
Houghton of *Houghton*.

Oliver St. John Earl of *Belling-*
brook, Lord *St. John* of *Bletſo*.

Mildmay Fane Earl of *Westmer-*
land, Lord *le Deſpencer* and *Burgh-*
waſh.

Earls made ſince the firſt of
King Charles.

Henry Montague Earl of *Manche-*
ſter, Viſcount *Mandevile*, and
Lord *Kimbolton*, Lord *Privy*
Seal.

Thomas Howard Earl of *Barkſhire*,
Viſcount *Andover*, and Lord
Charleton, Knight of the Gar-
ter.

Thomas Wentworth Earl of *Cleeve-*
land, Lord *Wentworth* of *Nettle-*
ſted.

Edmond Sheffield Earl of *Mul-*
grave, Lord *Sheffield* of *Butter-*
wike, and Knight of the Gar-
ter.

Henry Danvers Earl of *Danby*,
Lord *Danvers* of *Dantſey*, Knight
of the Garter.

Robert Cary Earl of *Monmouth*,
Lord *Cary* of *Lepington*.

James Ley Earl of *Marleburgh*, and
Lord *Ley* of *Ley*.

John Savage Earl *Rivers*, Viſcount
Colcheſter, and *Rock Savage*, and
Lord *Darcy* of *Chich*.

Robert Bartue Earl of *Lindſey*, and
Lord *Willoughby* of *Ereſby*, Lord
great *Chamberlain*, Knight of
the Garter.

William Cavendiſh Earl of *Newcaſtle*,
Viſcount *Mansfield*, Lord *Boulſo-*
ver and *Ogle*.

Henry Cary Earl of *Dover*, Viſ-
count *Rochford* and Lord *Hunſ-*
don.

John Mordant Earl of *Peterbo-*
rough, Lord *Mordant* of *Turvey*.

Henry Gray Earl of *Standford*, Lord
Gray of *Groby*, *Borvile* and *Har-*
rington.

1640.

Thomas Finch Earl of *Winchelsey*
and Viscount *Maidstone*.

Robert Perpoint Earl of *Kingston*
upon *Hull*, Viscount *Newark*
upon *Trent*, and Lord *Perpoint*
of *Holmes Perpoint*.

Robert Dormere Earl of *Carnarvan*,
Viscount *Ascot*, and Lord *Dor-*
mere of Wing.

Mount-joy Blunt Earl of *Newport*,
Lord *Mount-joy* of *Thurveston*.

Philip Stanhop Earl of *Chesterfield*,
and Lord *Stanhop* of *Shelford*.

Nicholas Tuffton Earl of the Isle of
Thanet, and Lord *Tuffton* of
Tuffton.

Ulicke de Burgh Earl of *St. Albans*,
and *Clanrickard*, Viscount *Tun-*
bridge and *Galloway*, Baron of
Somerhil, and *Imanney*.

Jerome Weston Earl of *Portland*,
Lord *Weston* of *Neyland*.

Thomas Wentworth Earl of *Straf-*
ford, Viscount *Wentworth*, Baron
Wentworth of *Wentworth Wood-*
house, *New-march* and *Oversley*,
Raby, Lord Lieutenant of the
Realm of *Ireland*.

Viscounts.

Francis Brown Viscount *Mountague*
of *Cowdrey*.

Viscounts made by King *James*.

John Villiers Viscount *Purbeck*,
Lord of *Stoke*.

William Fines Viscount *Sey* and
Seal, Lord *Sey* and *Seal*.

Viscounts made by King *Charles*.

Edward Conway, Viscount *Conway*
and *Killultagh*, and Baron *Conway*
of *Ragley*.

Edward Noel Viscount *Camden* and
Baron *Noel* of *Ridlington*.

Bishops.

William Laud Archbishop of *Can-*
terbury his Grace.

Richard Neile Archbishop of *Tork*
his Grace.

William Juxton Bishop of *London*
and Lord high Treasurer of
England.

Thomas Morton Bishop of *Durham*.

Walter Curle Bishop of *Winchester*.

John Thornburgh Bishop of *Worcester*.

John Bridgeman Bishop of *Chester*.

John Williams Bishop of *Lincoln*.

John Davenant Bishop of *Salisbury*.

Robert Wright Bishop of *Coventry*
and *Lichfield*.

Godfrey Goodman Bishop of *Gloucester*.

Joseph Hall Bishop of *Exceter*.

Richard Mountague B. of *Norwich*.

Barnabas Potter B. of *Carlisle*.

John Owen B. of *St. Asaph*.

William Pierce Bishop of *Bath* and
Wells.

John Bancroft Bishop of *Oxford*.

George Coke Bishop of *Hereford*.

Matthew Wren Bishop of *Ely*, Dean
of His Majesties Chappel Royal.

Roger Manwaring B. of *St. Davids*.

Robert Skinner Bishop of *Bristol*.

William Roberts Bishop of *Bangor*.

John Warner B. of *Rocheſter*.

Brian Duppa B. of *Chicheſter*.

John Towers B. of *Peterburgh*.

Morgan Owen B. of *Landaffe*.

Barons.

Henry Howard Lord *Moubray* and
Maltravers.

Henry Clifford Lord *Clifford*, only
Son of *Francis* Earl of *Cumber-*
land.

Henry Nevil Lord *Abergavenny*.

James Tenchet Lord *Awdeley* of
Highleigh.

James Stanley Lord *Strange*, eldest
Son of *William* Earl of *Derby*.

Charles

Charles West Lord Delaware, *infra*
ætatem.

George Berkley Lord Berkley of Berk-
ley Castle.

Henry Parker Lord Morley and
Monteagle.

Richard Lemcard Lord Dacres of
Hurstmoeseux.

Edward Sutton Lord Dudley of
Dudley Castle.

Edward Stourton Lord Stourton of
Stourton.

Edward Vaux Lord Vaux of Har-
rowden.

Thomas Windsor Lord Windsor of
Bradenham.

Thomas Cromwel Lord Cromwel of
Ockham.

William Eure Lord Eure of Whit-
ton.

Philip Wharton Lord Wharton of
Wharton.

William Willoughby Lord Willoughby
of Parham.

William Paget Lord Paget of Beau-
defert.

Dudley North Lord North of
Carthlage.

George Brudges Lord Shandos of
Sudley.

Barons made by King James.

William Peter Lord Peter of Writ-
tel.

Dutton Gerrard Lord Gerrard of
Gerrards Bromley.

William Spencer Lord Spencer of
Wormleighton.

Charles Stankope Lord Stanhope of
Harrington.

Tho. Arundel Lord Arundel of War-
dour.

Christopher Roper Lord Tenham of
Tenham, *infra* *ætatem.*

Edward Mountague Lord Mounta-
gue of Kimbolton, eldest Son of
Henry Earl of Manchester.

Basil Fielding Lord of Newnham
Paddocks, Eldest Son of William
Earl of Denbigh.

Robert Grevil Lord Brook of Beau-
cham Court.

Edward Mountague Lord Mountague
of Boughton.

William Gray Lord Gray of Wark.

Francis Leake Lord Danecourt of Sut-
ton.

John Roberts Lord Roberts of Truro.

Barons made by King Charles.

William Craven Lord Craven of
Hamsteed Marshal.

Thomas Belasis Lord Fauconberge of
Sarom.

John Lovelace Lord Lovelace of
Hurley.

John Pawlet Lord Pawlet of Hinton
St. George.

William Harvey Lord Harvey of
Kidbrooke.

Thomas Brudenel Lord Brudenel of
Stouton.

William Maynard Lord Maynard of
Estaynes.

Thomas Coventry Lord Coventry of
Alesborough.

Edward Howard Lord Howard of
Estricke.

George Goring Lord Goring of Hust-
per-point.

John Mohun Lord Mohun of Oke-
hampton.

Thomas Savil Lord Savil of Ponte-
fract.

John Butler Lord Butler of Bram-
field.

Francis Leigh Lord Dunsmore.

William Herbert Lord Powis of
Powis.

Edward Herbert Lord Herbert of
Chierbury.

Francis Cottington Lord Cottington
of Hanworth, Master of the Court
of Wards, and Chancellour of the
Exchequer.

John Finch Lord Finch, Baron of
Fordwich, Lord Keeper of the
Great Seal of England.

1640.



Some Lords (as Privy Counsellours) though not Peers of the Kingdom of *England*, such as the King shall be pleased to call thither for their assistance, and sit on the Wool-Sacks.

Judges.

Sir *John Bramston* Lord Chief Justice of the Kings Bench.

Sir *Edward Littleton* Lord Chief Justice of the Common Pleas.

Sir *Humphrey Davenport* Lord Chief Baron.

The Judges of the Kings Bench.

The Judges of the Common Pleas.

The Barons of the Exchequer.

The four Masters of the Chancery there attending, according to the direction of the Lord Keeper of the Great Seal of *England*.

The Kings Learned Council.

The Sergeants.

Sir *John Banks* the King's Attorney-General.

The Officers of the higher House of Parliament.

The Clerk of the Crown.

The Clerk of the Parliament.

The Usher.

The Yeoman Usher.

Between Eight and Nine in the Morning the Earl Marshal of *England*, Lord Steward of His Majesties Honourable Houshold, came into the outward Room of the Commons House, accompanied with the Treasurer of the Houshold, Mr. Secretary *Windebank* and others, where the Clerk of the Crown attended by the Cryer of Chancery, Called over the Names of all such Knights, Citizens, Burgessees, and Barons of the Cinque Ports, as were then returned; and the said Lord Steward having Sworn about 40. did make his Deputation under his hand and Seal, which was read, and which did nominate many of the Privy Council, and other Members of the House of Commons, thereby Authorising them, or any one or more of them to Administer the Oaths of Supremacy and Allegiance to all the Members of the said House of Commons during that Parliament; and so departed to wait upon the King.

About Twelve of the Clock His Majesty Accompanied with all His Nobles and other principal Officers in great Solemnity rode in State from *White-Hall* to *Westminster-Abbey*, and there heard a Sermon Preached by the Bishop of *Ely*, and from thence came to the Lords House.

The King being Seated in His Throne, and the Prince Seated on His left hand, and all the Lords appearing in their Robes, the Commons were called into the House of Lords, where the King made this short Speech.

My Lords and Gentlemen,

THere was never a King that had a more great and weighty Cause to call His People together than My Self: I will not trouble you with the Particulars; I have informed my Lord Keeper, and command him to speak and desire your Attention.

Then

Then Sir *John Finch* Lord Keeper, in Obedience to His Majesties Command, spake thus :

*My Lords, and you the Knights, Citizens and Burgessees
of the House of Commons,*

YOU are here this day assembled by His Majesties Gracious Writ and Royal Command to hold a Parliament, the general, antient and greatest Council of this Renowned Kingdom. By you, as by a select choice and abstract the whole Kingdom is presented to His Majesties Royal view, and made happy in the beholding of His Excellent and Sacred Person. All of you not only the Prelates, Nobles and Grandees, but in your Persons that are of the House of Commons every one, even the meanest of His Majesties Subjects are graciously allowed to participate and share in the honour of those Counsels, that concern the great and weighty Affairs of the King and Kingdom. You come all armed with the Votes and Suffrages of the whole Nation: and I assure my self, your hearts are filled with that zealous and humble affection to His Majesties Person and Government, that so just, so pious, and so gracious a King hath reason to expect from all His Subjects. I doubt not, but you rejoyce at this days meeting, and methinks you should do so too; and good reason you have to do so, and with all humbleness of heart to acknowledge the great goodness of His Majesty, whose sequestering the memory of all former discouragements in preceeding Assemblies, is now of a Fatherly Affection to His People, and a confidence that they will not be failing in their duty to him, who is pleased graciously to invite you and all His loving Subjects, to a sacred Unity of hearts and affections, in the services of him and of the Commonwealth, and in the execution of those Counsels that tend only to the honour of His Majesty, and to the good preservation of you all. His Majesties Kingly Resolutions are seated in the Ark of His Sacred Breast, and it were a presumption of too high a nature, for any *Uzzah* uncalled to touch it: yet His Majesty is now pleased to lay by the shining beams of Majesty, as *Phœbus* did to *Phaeton*, that the distance between Sovereignty and Subjection should not barr you of that filial freedom of Access to His Person and Councils, only let us beware how with the Son of *Clymene*, we aim not at the guiding of the Chariot; as if that were the only testimony of Fatherly Affection: and let us ever remember, that though the King sometimes layes by the Beams and Rayes of Majesty, He never layes by Majesty it self.

In former Parliaments you have been advised with, for the preventing and diverting of those dangers, which by foreign and more remote Counsels might have tended to the dishonour and ruin of this Nation; therein His Majesties great Wisdom and Providence hath for many years eased you of that trouble, His Majesty having with great judgement and prudence, not only seen and prevented our danger, but kept up the Honour and Splendor of the *English* Crown, of which at this day we find the happy and comfortable experience, Almighty God having vouchsafed such Success to His Majesties Counsels, that *our Fleece is dry*, when it raineth blood in all the Neighbour States. But what availeth this the Kingdom? *Si foras hostem non inveniat, si modo domi inveniet.* You are now summoned to Counsels and Resolutions that more nearly concern you, to pre-

1640.

vent a danger and a dishonour, that knocks at our gates, and that moves from such, from whom we had little reason to suspect it. It's well known upon what happy and solid Counsels, one of our Wisest Kings made a match with *Scotland* for His eldest Daughter. We cannot forget (I'm sure we should not) the blessed Success that waited upon those Counsels, when the Crown of *England* descended upon King *James* of ever blessed and famous memory, who with the fulness of Joy to all true *English* hearts, made His Entry not by Bloodshed. The Wall of Separation was thereby taken away; and that glorious King to make His Word good, *faciam eos in Gentem unam*, made all *England* rejoyce, and *Scotland* I'm sure had no reason to be sorry for it: They participated of *English* Honours, the Wealth and Revenue of this Nation they shared in, and no good thing was withholden from them, such was the largeness of heart in that most excellent King, and such was the comfort we took in this Fraternity, or rather Unity: When both of us had but one Brazen Wall of Fortification to look unto, the Sea, and all things so equally and evenly carried between us, that *Tros Tyriusque nullo discrimine habentur*. His Majesty our most gracious Sovereign became Heir, as well to His Fathers Vertues as to His Kingdoms, *Pacatumque Regis*, &c, and in His gracious and tender Affection to that Nation, hath given as many indulgent Testimonies of Love and Benignity, as they could expect. Thus became we both like a Land flowing with milk and honey; peace and plenty dwelt in our Streets, and we have had all our blessings crowned with the sweet hopes of Perpetuity. God found out for my Lord the King, a Companion meet for him, His Royal Consort our most gracious Queen, who as She is not to be parallell'd for Her Person and Vertue, so hath She made His Majesty and the whole Kingdom most happy and blessed, in the sweetest pledges of their love and our hopes, which ever stood like Olive-branches about the Throne or Table: But which I sorrow for, *Civiles furores patriæ nimia infelicitas*, and when His Majesty had most reason to expect a grateful return of Loyalty and Obedience from all the *Scotish* Nation, some men of *Belial*, some *Zeba* hath blown the Trumpet there, and by their Insolencies and Rebellious Actions draw many after them, to the utter desertion of His Majesties Government; His Majesties and His Kingly Fathers love and bounty to that Nation quite forgotten, His goodness and piety unremembred.

They have led a multitude after them into a course of disloyalty and rebellious Treason, such as former times have not left in mention, nor this present Age can any where equal; they have taken up Arms against the Lords Anointed, their rightful Prince and undoubted Sovereign, and following the wicked Counsels of some *Achitophel*, they have seized on the Trophies of Honour, and invested themselves with Regal Power and Authority: such and so many Acts of disloyalty and disobedience, as (let their pretences be what they will be,) no true *English* or Christian heart, but must acknowledge them to be the effects of foul and horrid Treason.

The last Summer His Majesty at His own charge, and at the vast expence of many of His faithful and loving Subjects of *England*, went with an Army, and then they took upon them the boldness to outface and brave His Royal Army, with another of their own raising; Yet for all this, His Majesties goodness was not lessened by that, nor could His gracious Nature forget what he was to them, nor what they were to him; but considering with himself they were such (*quos nec vincere, nec vinci gloriosum*)

‘ *gloriosum fuerat*) out of His Piety and Clemency chose rather to pass by
‘ their former miscarriages, upon their humble protestations of future Loy-
‘ alty and Obedience, than by just vengeance to punish their Rebellions.

‘ But His Majesty (who is ever awake for the good and safety of all His
‘ Subjects) hath since too plainly discovered, that they did but prevari-
‘ cate with him to divert the storm which hung over their heads, and by
‘ gaining time to purchase themselves more advantage, for pursuing their
‘ rebellious purrposes.

‘ For since His Majesty came from *Berwick*, it came to His certain know-
‘ ledge, that instead of performing that Loyalty and Obedience, which by
‘ the Laws of God, of Nature, and Nations they owe unto him, they have
‘ addrested themselves to Forein States, and treated with them to deliver
‘ themselves up to their protection and power (as by Gods great Providence
‘ and Goodness, His Gracious Majesty is able to shew under the hands of
‘ the prime Ring-Leaders of that Faction) than which nothing could be
‘ of more dangerous consequence to this and His Majesties other King-
‘ doms. Whosoever they be that do, or shall wish *England* ill, they may
‘ know it to be of too tough a Complexion and Courage to be assailed in
‘ the face; or to be set upon at the Fore-door: and therefore it is not un-
‘ likely, but they may (as in former times) find out a Postern-gate.

‘ There were heretofore two of them, *Scotland* and *Ireland*, and both of
‘ them had their several Defences.

‘ *Ireland* through His Majesties just and prudent Government, is not
‘ only reduced from the distemper of former times, but settled in such a
‘ condition of peace, and during His Majesties happy Reign, so altered and
‘ civilized, that instead of being a charge to him (as it was to His Prede-
‘ cessors) hath yielded to him some Revenue, and His Subjects there do
‘ daily give very acceptable testimonies of their Loyal and Dutiful Affe-
‘ ction, both to His Person and Government. And now lately at the Par-
‘ liament assembled, they have not only with full and free consent, made
‘ His Majesty a cheerful Aid towards His present preparations, to reduce
‘ His disaffected Subjects in *Scotland* to their due obedience, but they have
‘ also professed and promised, that they will be ready with their Persons
‘ and Estates, to the uttermost of their Ability, for His Majesties future
‘ Supply, as His great Occasions by the continuance of His Forces against
‘ that distemper, shall require; so that the hopes of hurting *England* that
‘ way, are quite extinct.

‘ *Scotland* then only remains, whither (as to a weak and distempered
‘ part of the body) all the Rheums and Fluxes of factious and seditious
‘ humours make way,

‘ His Majesty hath taken all these, and much more into His Princely
‘ Consideration, and to avoid a manifest and apparent mischief, threatned
‘ to this and His other Kingdoms, hath resolved by the means of a power-
‘ ful Army, to reduce them to the just and modest Conditions of Obe-
‘ dience.

‘ It is a course His Majesty takes no delight in, but is forced unto it ;
‘ for such is His Majesties Grace and Goodness to all His Subjects, and
‘ such it is and will be to them (how undutiful and rebellious soever they
‘ now are) that if they put themselves into a way of humility becoming
‘ them, His Majesties Piety and Clemency will soon appear to all the
‘ World : But His Majesty will not endure to have His Honour weighed
‘ at the common Beam : nor admit any to step between Him and His
‘ Vertue : and therefore as he will upon no terms, admit the mediation of
‘ any

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any person whatsoever ; so He shall judge it as high presumption in any person to offer it, and as that which he must account most dangerous to His Honour, to have any conceit, that the solicitation of others can by any possibility better incline Him to His People than He is, and ever will be, out of His own Grace and Goodness.

The Charge of such an Army hath been thoroughly advised, and must needs amount to a very great sum, such as cannot be imagined to be found in His Majesties Coffers, which how empty soever, have neither yet been exhausted by unnecessary triumphs, or sumptuous buildings, or other magnificence whatsoever, but most of His own Revenue, and whatsoever hath come from His Subjects, hath been by him employed, for the common good and preservation of the Kingdom. And like vapours arising out of the Earth and gathered into a Cloud, are fallen in sweet and refreshing shows upon the same ground. Wherefore His Majesty hath now at this time, called this Parliament, the second means under Gods blessing to avert these publick Calamities threatned to all His Kingdoms, by the mutinous behaviour of them.

And as His Majesties Predecessors have accustomed to do with your Fore-fathers, so His Majesty now offers you the honour of working together with Himself, for the good of Him and His, and for the common preservation of your selves and your posterity.

Counsels and Deliberations that tend to benefit or profit, may endure disputes and debates, because they seem only accompanied with persuasions ; But deliberations that tend to preservation, are waited upon by necessity, and cannot endure either debate or delay ; of such nature are the bleeding evils, that are now to be provided against.

This Summer must not be lost, nor any minute of Time forestowed, to reduce them of *Scotland*, lest by protraction here they gain time and advantage, to frame their parties with Foreign States.

His Majesty doth therefore desire, upon these pressing and urgent occasions, that you will for a while lay aside all other debates, and that you would pass an Act for such, and so many Subsidies as you in your hearty affection to Him, and to your common good, shall think fit and convenient for so great an Action, and withal that you would hasten the payment of it, as soon as may be : And His Majesty assures you all, that He would not have proposed any thing, out of the ordinary way, but that such is the straitness of Time, that unless the Subsidies be forthwith past, it is not possible for him to put in order such things, as must be prepared before so great an Army can be brought into the Field.

And indeed, had not His Majesty upon the credit of His Servants, and security out of His own Estate, taken up and issued between *three and four hundred thousand Pounds*, it had not been possible for His Majesty, to have provided those things to begin with, which were necessary for so great an Enterprize, and without which we could not have secured *Berwick* and *Carlisle*, or avoided those affronts, which the Insolency of that Faction might have put upon us, by injuring the persons and fortunes of His Loyal Subjects in the Northern parts.

To avoid all question and dispute that may arise, touching His Majesties taking of *Tonnage* and *Poundage*, His Majesty hath commanded me to declare unto you, that He hath taken it only *de facto*, according to the example of former Kings, from the death of their past Predecessors, until the Parliament had passed an Act for it themselves. That in like manner, His Majesty desires not to claim it, but by grant of Parliament ;

for

‘for this purpose His Majesty hath caused a Bill to be prepared in the
‘same form as it passed to His Royal Father of blessed memory, adding
‘only words to give it him, from the first of His Majesties Reign.

‘This and the Bill of Subsidies, His Majesty expects (for the pressing
‘reasons before delivered unto you) may be dispatched with all speed,
‘which His Majesty commanded me to tell you He shall graciously ac-
‘cept, as the welcome pledges of your loving, happy, and dutiful Affection
‘to Him, His Person, and Government.

‘And His Majesty is graciously pleased, to give you His Royal Word,
‘That afterwards he will give you time for considering of such Petitions as
‘you shall conceive to be good for the Common-Wealth, even now before
‘you part, according as the season of the year, and the great Affairs in
‘hand will permit; and what is now omitted, His Majesty will give you
‘time to perfect towards Winter, when your own leisure and conveniency
‘may better attend it, He knowing well, that these Subsidies can be of
‘little use, without that more ample Supply, which His Majesty expects
‘upon the happy conclusion of this Session, and therein His Majesty is
‘graciously pleased (according to the ancient way of Parliaments) to stay
‘till your just grievances be heard and redressed.

‘And His Majesty assures you, That He will go along with you for your
‘advantage, through all the gracious expressions of a just, a pious, and
‘gracious King, to the end there may be such a happy conclusion of this
‘Parliament, that it may be a cause of many more meetings with you.

‘I have now delivered what I have in Command from His Majesty.

Then His Majesty spake as followeth :

My Lords,

YOU shall see he hath spoken nothing hyperbolically, or nothing but what
I shall make good one way or other.

The King's
Speech.

And because he did mention a Letter by my Subjects in Scotland, who
did seek to draw in Forein Power for Aid, here is the Original Letter, which
I shall command him to read unto you.

And because it may touch a Neighbour of mine, whom I will say nothing of,
but that which is just (God forbid I should); for my part, I think it was never
accepted of by him; indeed it was a Letter to the French King, but I know
not that ever he had it; for by chance I intercepted it, as it was going unto
him: And therefore I hope you will understand me right in that.

After which he read the Letter in English, which done
His Majesty Added :

OF these Gentlemen, that have set their hands to this Letter, here is one,
and I believe you would think it strange, If I should not lay him fast;
and therefore I have Signed a Warrant to lay him close Prisoner in the
Tower.

My Lords, I think, (but I will not say positively, because I will not
say any thing here, that I am not sure of,) I think I have the Gentleman
that should have carryed the Letter, fast enough: But I know not, I may be
mistaken.

Then

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Then the Lord Keeper spake to the Commons.

Gentlemen,

‘ **Y**OU of the House of Commons, His Majesties pleasure is, that
 ‘ you do now repair to your own House, there to make choice of
 ‘ your Speaker, whom His Majesty will expect to be presented to Him on
 ‘ *Wednesday* next, at Two of the Clock in the Afternoon.

THE Commons being returned to their own House and seated, Mr. Treasurer put them in mind of the Kings Command of choosing a Speaker, not one of the Kings Appointment, but freely among themselves, and then nominated Mr. Sergeant *Glanvile*.

Mr. Sergeant *Glanvile* then stood up and acquainted the House that he accounted it an honour to be named, but to be accepted a disadvantage to the House, and endeavoured to Excuse himself from the Occasion of the Summons which was matter of Weight. His Excuse more raised the Acclamations *To the Chair, To the Chair*, and so at length betwixt Mr. Treasurer *Vane* and Mr. Secretary *Windebank*, he was brought to the Chair, where again he Excused himself, and afterward Appealed to the Royal Judgement of His Majesty.

The next day being the Fourteenth of *April*, the Convocation began to sit at *St. Pauls*, of which a full Account is given by it self immediately after the Affairs of the Parliament.

Upon *Wednesday* the 15th of *April* His Majesty being seated on His Throne, Mr. Sergeant *Glanvile* was called in, being presented by the House of Commons as their Speaker, and he being come to the Bar, spake as followeth.

May it please your Majesty,

‘ **T**HE Knights, Citizens, and Burgeses of your Commons-house of
 ‘ Parliament, in conformity to most ancient and most constant usage
 ‘ (the best guide in great solemnities) according to their well-known privi-
 ‘ ledges, (a sure warrant for their proceedings) and in obedience to your
 ‘ Majesties most Gracious Counsel and Command (a duty well becoming
 ‘ Loyal Subjects) have met together in their House and chosen a Speaker,
 ‘ one of themselves to be the mouth, indeed your Servant of all the rest, to
 ‘ steer watchfully and prudently in all their weighty Consultations and
 ‘ debates, to collect faithfully and readily the genuine sence of a numerous
 ‘ Assembly, to propound the same seasonably, and in apt questions of their
 ‘ final Resolutions, and so represent them and their Conclusions, their Decla-
 ‘ rations and Petitions, upon all urgent occasions with truth, with right,
 ‘ with life and with lustre, and with full advantage to your most excellent
 ‘ Majesty, with what Judgement, what temper, what spirit, what elocu-
 ‘ tion ought he to be endowed and qualified, that with any hope of good
 ‘ success should undertake any such employment? your Majesty in your
 ‘ great Wisdom, is best able to discern and judge, both as it may relate to
 ‘ your own peculiar and most important affairs of State and Government,
 ‘ and as it must relate to the proper business of your House of Commons,
 ‘ which was never small nor mean, and is like at this time to be exceeding
 ‘ weighty.

‘ Had

‘ Had your House of Commons been as happy in their choice. (as they
‘ were regular, well warranted, and dutiful) of my self, who stand elected
‘ yet to be their Speaker, and am now presented by them to your Majesty,
‘ for your gracious and royal approbation, I should not have needed
‘ to become troublesome to your Majesty in this suit, for my releasment
‘ and discharge, which now in duty to your Majesty and care for the good,
‘ prosperity, and success of your Affairs, I hold my self obliged to make.
‘ My Imperfections and disabilities are best known to my self, to your Ma-
‘ jesty I suppose not altogether unknown, before whom in the course of my
‘ practice and profession, I have divers times had the honour and favour to
‘ appear and bear a part, as an ordinary pleader.

‘ It is a learned Age wherein we live, under your Majesties most peace-
‘ ful and flourishing Government, and your House of Commons (as it is now
‘ composed) is not only the representative body, but the abstracted quin-
‘ tessence of the whole Commonalty of this your noble Realm of *England* ;
‘ there be very many amongst them, much fitter for this place than I am,
‘ few or none in my opinion, so unfit as my self.

‘ I most humbly beseech your Majesty, as you are the Father of the
‘ Common-wealth and head of the whole Parliament, to whom the care of
‘ all our welfare chiefly appertains, have respect to your own ends, have
‘ regard to your House of Commons, have compassion upon me the most
‘ unworthy member of that Body, ready to faint with fears, before the
‘ burthen light upon me.

‘ In the fulness therefore of your Kingly Power, your Piety and your
‘ Goodness, be graciously pleased to Command your House of Commons,
‘ once more to meet together to consult and deliberate better, about their
‘ choice of a meet Speaker, till they can agree of some such person, as may
‘ be worthy of their choosing, and of your Majesties Acceptation.

The Lord Keeper after directions received from His Majesty,
replied as followeth.

HIS Majesty with a gracious Ear, a Princely Attention, hath Listened
to your humble and modest excuse, full of flowers of Wit, of flowers of
Eloquence, and flowers of Judgment.

The Lord
Keepers Re-

Many reasons from your self he hath taken, to approve and agree to the
Choice and Election, made by the House of Commons, he finds none from any
thing that you have said, to dissent or disagree from it : you have set forth
your Inabilities with so much Ability, you have so well decyphered and deli-
neated the parts, duties and office of a good Speaker, which is to collect the
sence of the House judiciously, to render it with fidelity, to sum it up with
dexterity, and to mould it up into fit, and apt questions for resolutions, and
those as occasion shall serve, to present with vigour, advantage, and humility
to His Majesty, he doubts not, but you that are so perfect in the Theory, will
with great ease perform the Practick Part, and with no less Commendation.

His Majesty hath taken notice, and well remembers, your often waiting on
Him in private Causes, wherein you have alwayes so carryed your self, and
won so much good opinion from His Majesty, as he doubteth not but that now,
when you are called forth to serve Him, and the Publick, your Affections and
the Powers of your Soul, will be set on work with more Zeal, and more Alacritys
It's that for which the Philosophers call a man happy, when men that have

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Ability and Goodness, do meet with an Object fit to bring it into Act, and such at this time is your good fortune, an occasion being ministred unto you, to shew your Ability and Goodness, and your Fidelity to His Majesties Service, to shew the candor and clearness of your heart towards those of the House of Commons; In all which His Majesty nothing doubteth, but you will so discharge your self, as he may to his former favours, find occasion and reason to add more unto you, That the House of Commons may rejoice in this Election of theirs, and that the whole Kingdom, by your good, clear, and candid Service, may receive fruits that may be comfortable unto all.

His Majesty therefore doth approve and confirm the choice of the House of Commons, and ratifies you for the Speaker.

Then Mr. Speaker addrest himself again to His Majesty.

Most Gracious Sovereign,

MY Profession hath taught me, that from the highest Judge and highest Seat of Justice, there lyeth no *Writ of Error*, no Appeal. Your Majesty in full Parliament, hath been pleased by the mouth of the Lord Keeper, to declare your Royal Judgment in affirmation of the Election of your House of Commons, whereby I'm become their Speaker, and their Servant. What is there therefore left unto me? but in the first place devoutly to beseech Almighty God, the Author and finisher of all good works, to enable me by his blessing to discharge honestly and effectually, so great a task, so great a trust.

And in the next place, humbly to acknowledge (as I do) the great grace and favour, that is done unto me by your Majesty, and readily to conform my self to your good pleasure and command, to which I now submit with all possible chearfulness, lest else my too much diffidence to undertake the service, might add a further disadvantage to my performance, than peradventure would arise out of my other Imperfections.

Two Enemies I might fear, the common Enemies of such Services, *Expectation* and *Jealousie*, I'm not worthy of the former, and I contemn the later. Time that tryeth truth, shall let the whole world see and know, that I am and will be found an equal Free-man, zealous to serve my Gracious King, and zealous to serve my dearest Countrey.

Monarchy, Royal and Hereditary, is of all sorts of Government the most compleat and excellent; whether we regard the Glory, the Wealth, or the Safety of the Governour or of the People, or of both. And I hope there are not of this Nation any that are of Antimonarchical spirits or resolutions, no, nor dispositions, nor friends to such as are so; If there be, I wish no greater honour to this Parliament, than to discover them; and by all means possible to assist your Gracious Majesty to suppress them, or to confound them.

You are a great King at all times, but sitting now attended by your Prelates, your Lords, and People in free Parliament are in the highest state of Majesty and Glory.

I remember well, I heard your Majesties most Royal and Learned Father our late dear Sovereign King *James* of sacred memory, speak to that purpose of himself and of Kings in general; His Majesty sitting then in Parliament, upon that Throne which by descent from Him, and from innumerable Royal Ancestors, is now become your Majesties lawful Seat and rightful Inheritance.

To

‘ To behold you thus in peace and safety, upon this great and good occasion, after full fifteen years experience of your most peaceful Government, yields most compleat joy to all your Majesties Loyal and Well-affected Subjects, who cannot but concur with me in this desire, *serus in Cælum redeas diuq; lætus intersis Britanno populo.* England is your Seat of Residence not made a Province, nor Governed by a *Vice-Roy*. God open all our Eyes and understandings, to discern and value the great blessings and benefits we enjoy, by your Majesties gracious presence and immediate influence of life and cheerfulness to all the parts of these your Noblest Kingdoms.

‘ *Scotland* is your Birth-place, and therein hath advantage of your other Realms; God make them and keep them ever sensible and worthy of that honour.

‘ *Ireland* begins apace to imitate *England*, in a great and quick progression in civility of manners and conversation, by many sedulous plantations and improvements of the Soil, by their receiving and enacting of the more wholesome Laws and Statutes of this Kingdom, and by many other good effects and fruits of Peace, and blessed Government.

‘ *France* is still an Attendant to your Royal Style and Title.

‘ The Prerogative of a King is as necessary, as it is great: without it, He should want that Power and Majesty which is, and ought to be inseparable from the Crown and Scepter. Nor can there any danger result from such Prerogative in the King to the Liberty of the Subject, so long as both of them admit the Temperament of Law and Justice: Especially under such a King as your Majesty, who to your immortal glory among your Printed Laws, have publish’d this to the whole world for your Maxime, *The Liberty of the People strengthens the Kings Prerogative, and the Kings Prerogative is to defend the Peoples Liberty. Apples of Gold in Pictures of Silver.*

‘ Kings as they are Kings, are never said to err, only the best may be abused by mis-information. The highest point of Prerogative is, *The King can do no wrong*. If therefore by the subtilty of mis-informers, by the specious false pretences of publick good, by cunning and close contrivance of their ways to seduce, the Sacred Royal Person shall at any time be circumvented or surprized, or over-wrought and drawn to command things contrary to Law, and that the same be done accordingly; These Commands will be void and the King innocent even in His very Person, being defended by His Prerogative; Nevertheless the Authors in such mis-informations, and Actors in those abuses will stand lyable, and exposed to strict examination and just censure, as having nothing to defend themselves but the colour of a void Command, made void by just Prerogative, and by the fundamental and true reason of State and Monarchy: and what difference is there, or can be in Law, between a void Command, and no Command at all:

‘ If Religion, Justice and Mercy, all happily assembled and graciously lodged together in your Royal Breast, may give to your well-affected Subjects a good hope of the good Success of this Parliament, I know not why we should not all of us expect it with much confidence. Some few particulars pertaining to these general heads, I humbly beg of your Majesty, that without offence to your sacred Ears, I may have leave to mention and observe, for the further comfort of my self and all that hear me.

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‘What Prince of this Land was ever known to keep the hours and times set for Prayer and for the Service of Almighty God, with that Regularity and constancy as your Majesty? Nay more, have you not ever since your access to the Crown, had one day in every week besides the Lords Day, dedicated and applied to preaching and devotion? I may not stay here, there is another particular equalling, nay much excelling both the former, and that is your Majesties great care, to educate those pledges of Conjugal and most abundant mutual love, that is between your Majesty and your most gracious Consort, the best Queen and Woman, and the foundation of our future hopes, the most Illustrious Prince *Charles*, and the rest of your Royal Progeny, in the true Religion of Almighty God, publicly professed and by Law establish’d in this Kingdom; what tongue is able to express the great Joy and Comfort, which all your Majesties most loyal and loving Subjects do derive unto themselves, in contemplation of your Majesties great Piety and Prudence in this one Act expressed, extending it self not only to the present time, but to the good of Succession and all after Ages!

‘Touching Justice, there is not any more certain sign to discern an equal Judge, than by his Patience to be well informed before he give his Sentence; and I may boldly say all your Judges throughout all your Kingdoms, may take example by your Majesty, and learn their duty, from your practice in this kind, I my self have been witness of it, to my no little Admiration and Content.

‘From your patient hearing, let me pass on to your righteous Judgement; and therein bring but one Instance, but it shall be a great one. When your Lords and your People in your last Parliament, presented to your Majesty a Petition, concerning divers Rights and Liberties of your Subjects; the Petition being of no small weight and importance, as by the same may well appear, your Majesty after meet deliberation, in few but most effectual words (*soit droit fait come est desire,*) made them such an answer, as shall renown you for just Judgement, in this Age and to all Posterity.

‘I make hast to come to your mercy, whereof I cannot but have need again and again, before I have finished that Service to which I am enjoined, and am not altogether in despair of obtaining it; Nevertheless the mercy which I mean to celebrate, is not only concerning single or particular persons, but whole Nations; that unexemplified mercy and Clemency, which (in your Royal Wisdom and abundant Goodness, happily met together) your Majesty vouchsafed to shew to us and all your Kingdom, in not drawing your Sword of Justice the last Summer, against your People of *Scotland*, though your Armies were much the better and the stronger.

‘It seems your Majesty remembred with more tenderness of heart than they do, that they were Christians and your Subjects, and that your Power was *posse & nolle nobile*. Whatsoever might be the Rule that inclin’d you to mercy, I am sure the benefit redounds to us and ours, who by this means are still in peace and tranquillity, not without good hope of long continuance; A Blessing peradventure undervalued by us, we have had so much of it, under your Majesties most gracious Fathers Royal Government.

‘I have yet no Instructions from your House of Commons, therefore can propound nothing as by Warrant from them; But if I may have leave to present to your Majesty my own most humble and most hearty wishes
‘and

‘and desires, they be directed upon Religion and Chivalry, Commerce,
‘Justice and Unity : That this Parliament may be famous for the care
‘and contentment of Gods true Religion in this world and that to come ;
‘and to that purpose, that the most Reverend Prelates your Majesties
‘Archbishops and Bishops, sitting on the right hand of your Throne, will
‘be therein most forward, to whom it is most proper.

‘That the Lords Temporal girt with their Swords in their creation, as
‘more specially rewarded or desired for Actions Military, would call to
‘mind the most Noble and most Valiant of their Ancestors, whose Lands
‘and Honours they inherit; and how famous this Land hath been at home
‘and abroad, for Deeds of Arms and Acts of Chivalry, and to labour to
‘restore it by all means to its antient Glory. The best way to preserve
‘Peace, is to be ready prepared and well fitted for War.

‘That your Majesty would be pleased to command, that your Grave
‘and Reverend Judges, whose observations should exceed all other mens,
‘though they be but assistants in this Service, to contribute the best and
‘utmost they can, to explain, to execute, to advance our good old Laws,
‘and to propound such things for the enacting of wholesome and plain new
‘Statutes, that every Subject of this Realm may be enabled to know and
‘understand himself clearly, both what he hath to do, and what he may
‘possess, and what not. There are no considerable Mines Royal in this
‘Kingdom: Trade and Commerce, the exportation of our Wools in Ma-
‘nufactures and native Commodities, is that which furnisheth us with Gold
‘and Silver, the materials of our Moneys, and hath only power to enable
‘us to supply your Majesty, for the defending of our selves, and the offend-
‘ing of others. That Merchants and Tradesmen therefore, should have
‘all meet encouragement, is a most special Interest of this *Island*.

‘But were we never so Valiant, never so Wealthy, if Love and Unity
‘be not amongst us, what good will our Wealth do to our selves, or to
‘your Majesty? He that commands a heart in Love, he and he only com-
‘mands assuredly the Purse to pay, and the Hands to Fight. I pray God
‘therefore, that we may all endeavour to knit such a knot of true Affecti-
‘on, betwixt the Head and Members, that all Jesuited Foreign States, who
‘look perchance with envious and malignant Eyes upon us, and would be
‘glad to rejoice in our Divisions, may see themselves lost and defeated of
‘all their subtil Plots and Combinations, and of all their wicked hopes
‘and expectations, to render us (if their Endeavours might prevail) a
‘People inconsiderable at home, and contemptible abroad.

‘Religion teacheth us, *Si Deus nobiscum, quis contra nos?* and experi-
‘ence I hope will teach us, *Si sumus inseparabiles sumus insuperabiles*. It
‘was wont to be, and I hope it ever will be the Tenet and Position of
‘your House of Commons, That the good of the King and of the People
‘cannot be severed, and cursed be every one that shall go about to divide
‘them.

‘I fear I have adventured too far on your Royal Patience, though yet
‘I confess, I never knew it wearied; nevertheless I will here conclude.
‘Only first beseech your gracious Majesty, in the name and right of the
‘whole House of Commons, that in your Justice you would be pleased, to
‘grant and confirm to them (for their better Encouragement to proceed in
‘their great business) these their ancient and just Liberties, which time
‘out of mind they have rightfully enjoyed.

‘That

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‘ That they, their Servants and necessary Attendants, together with
 ‘ their Goods, may be freed from all Imprisonments, Arrests and Molesta-
 ‘ tions during Parliaments.

‘ That they may enjoy freedom of Speech, in all their Propositions and
 ‘ Debates ; which I hope they will be careful to use, within the Bounds
 ‘ of Loyalty and Duty.

‘ That upon all necessary occasions, they may have access to your Ma-
 ‘ jesty, with such a competent Number, and at such seasonable times and
 ‘ place, as your Majesty shall appoint.

‘ And last of all, That your Majesty will be pleased, graciously to make
 ‘ the best Construction of all their Words and Actions, and of mine in
 ‘ particular.

The Speaker returning from His Majesty with the Mace carried before him, after three Obeysances being seated in his Chair, and the House set in their Places and the Door shut, there was (as is usual in other Parliaments) read an Act concerning Apparel, and so Adjourned till the 16th.

The Manner of new Created Barons first coming into the House of Lords.

THE Lord Keeper declared to the House of Lords, That those Lords that come in by Creation since the last Parliament, and are now ready should be introduced into the House, and as many as are not ready to remain till the next meeting. The manner was thus.

Lord Mowbray
brought into
his place in
Parliament.

Lord Herbert
of Cherbery.

Lord Keeper
Finch.

Lord Cotting-
ton.

The Gentleman Usher with his Black Rod, Garter King of Arms, the Lord Great Chamberlain with his White Staff, and the Earl Marshal came in, and after them the Lord Mowbray in his Robes was brought in between the Lord Strange and the Lord North : and the Writ or Patent being delivered upon the knee to the Lord Keeper, and he delivering it to the Clerk it was read ; and the Lord Mowbray was brought to his place, at the upper end of the Barons Bench. In like manner the Lord Herbert of Cherbery, was brought in between the Lord Newenham Paddox, and the Lord Goring, and placed between the Lord Powis and Lord Cottington. Likewise the Lord Keeper in the same manner was brought into the House between the Lord Mowbray and Lord Strange, and being come with the Great Seal in his hand to the Wool-Sack, Garter delivered him his Patent of Creation, his Lordship with low obeysance kneeling down laid it upon the Chair of Estate, which being delivered to the Clerk and read he was brought to his place as a Baron, and afterward took his place as Lord Keeper upon the Wool-sack. The Lord Cottington should also have presented his Patent, but not having it present he was excused, but it was ordered that this should not be a Precedent hereafter, being only done out of Favour to him.

April 16.

The House of Commons having settled the Committees for Religion, Grievances, Priviledges, and Courts of Justice, Mr. Secretary Windebank acquainted the House with the Examination of the Lord Lowdon, who did
 with

with difficulty acknowledge that to be his hand-writing, which was subscribed to the letter directed to the *French King*; and that he did conceive the other names subscribed were the hand-writings of those persons.

The Speaker received a Command to enter His Majesties Speech in the Journal of the House, upon which a Vote passed, That they did not expect that the like should be done by other Speakers, but upon the like special Command, or by order of the House.

The House then proceeded to agree upon a day of Solemn Fasting and Humiliation to implore the Divine assistance and direction in all their Consultations, and a message was sent up to the Lords to desire their Concurrence. Divers Petitions were then also read, presented by several Knights of the Shires, complaining of Ship-money, Projects, Monopolies, Star-Chamber, High-Commission Court, &c. and several Members made long Speeches upon those Subjects complaints and grievances.

Harbottle Grimstone Esq; was the first that stood up and spoke to this Effect.

Mr. Speaker,

WE are called by His Majesty, to consult together of the great and weighty affairs of the State and Kingdom. There hath now a great and weighty business been presented to this House, and a Letter hath been read, importing (according to the Interpretation which hath been collected out of it) a Defection of the Kings natural Subjects. This is a great cause, and very worthy of the consideration and advisement of this great Council: But I am very much mistaken, if there be not a Case here at home of as great danger, as that which is already put. The one stands without at the back-door (for so dangers from thence in all our Histories have ever been termed) but the Case we will put, is a Case already upon our backs. And in these great cases of danger, (which so much concern the welfare of the Body Politick) we ought to do like skilful Physicians, that are not led in their Judgments so much by outward expressions of a Disease, as by the inward Symptoms and Causes of it: For it fares with a Body politick, as it doth with a natural Body. It is impossible to cure an ulcerous body, unless you first cleanse the veins, and purge the body from the Obstructions and pestilent humours that surcharge Nature; and that being once done, the Botches, Blanes and Scabs which grow upon the superficies and outside of the body, will dry up, shed, and fall away of themselves. The Danger that hath now been presented to the House, it standeth at a distance; and we heartily wish it were further off: yet as it stands at a distance, it is so much the less dangerous. But the case that I shall put, is a Case of great danger here at home. And is so much the more dangerous, because it is home-bred, and runs in the Veins.

If the one shall appear to be as great a danger as the other; we hope it will not be thought unreasonable at this time, to put the one as well as the other.

1640.

Harbottle Grimstone Esq; his Speech.

Mr.

1640.

Mr. Speaker,

‘The case is this, The Charter of our Liberties called *Magna Charta*, was granted unto us by King *John*, which was but a Renovation and Restitution of the ancient Laws of this Kingdom. This Charter was afterwards in the succession of several Ages, confirmed unto us above thirty several times, and in the third year of His Majesties Reign that now is, we had more than a Confirmation of it: for we had an Act declaratory past: and then to put it out of all question and dispute for the future, His Majesty by his gracious Answer, *Soit Droit fait come est desire*, invested it with the Title of *Petition of Right*. What expositions contrary to that Law of Right, have some men given to the undermining the liberty of the Subjects, with new invented subtil distinctions, and assuming to themselves a power (I know not where they had it) out of Parliament, to supersede, annihilate and make void the Laws of the Kingdom? The Common-wealth hath been miserably torn and massacred, and all Property and Liberty shaken, the Church distracted, the Gospel and professors of it persecuted, and the whole Nation over-run with swarms of projecting Canker-worms and Caterpillars, the worst of all the *Egyptian* Plagues: Then (as the case now stands with us) I conceive there are two points very considerable in it. The first is, What hath been done any way to impeach the liberties of the Subjects, contrary to the *Petition of Right* (The second is, Who have been the Authors and Causes of it?)

‘The serious examination and discussion of these two questions, do highly concern His Majesty in point of honour, and his Subjects in point of Interest. And all that I shall say to it, are but the words that *Ezr* used to King *Artaxerxes* of the settlement of that State, which at that time was as much out of frame and order, as ours is at this present; that which cured theirs, I hope will cure ours: his words are these, *Whosoever, saith he, hath not done the Laws of God and the King, let Judgment be speedily executed upon him, whether it be unto Banishment, or to Confiscation of goods, or to Imprisonment*. It may be some do think this a strange Text, and ’tis possible some may think it as strange a Case: As for the Text, every man may read it that will; and for the Case, I am afraid there are but few here, that do not experimentally know it, as bad as I have put it, and how to mend a bad Cause, I take it is part of the business we now meet about.

‘His Majesty yesterday did graciously confirm unto us, our great and ancient Liberties of Freedom of Speech; and having his Kingly word for it, I shall rest as confidently upon it, as the greatest security under Heaven, whilst I have the honour to have a place here, and I shall with all humility be bold to express my self like a *Free-man*.

‘The diseases and distempers that now are in our bodies politick, are grown to that height, that they pray for and importune a Cure. And His Majesty, out of his tender care and affection to his people, like a Nursing Father, hath now freely offered himself to hear our Grievances and Complaints. We cannot complain we want good Laws; the wit of man cannot invent better than are already made: there want only some examples, that such as have been the Authors and Causes of all our miseries and distractions in Church and Common-wealth contrary to these good Laws, might be Treacle to expel the poyson of mischief out of others.

But

‘ But my part is, but *ostendere partem*; therefore having put the Case, I must leave it to the Judgment of this House, Whether our dangers here at home, be not as great and considerable, as that which was even now presented ?

1640.

Then Sir *Benjamin Rudiard* stood up and spoke as follows,

Mr. Speaker,

‘ **T** Here is a great door opened unto us of doing good, if we take the Advantage thereof: We are here met, by the blessing of God and our King: Parliaments have of late days become unfortunate; it is our duty by our good temper and carriage, to restore them to their ancient Lustre.

‘ There be some here present, who can remember the breaking up of the last Parliament; a business certainly from which the Papists are not exempt, who now by the discontinuance of Parliaments, are come to that arrogance and boldness, that they contend with us, who are the better Subjects. Their Envy I like, but their Presumption is not to be born. I wish them no harm, but good; for I desire their Conviction: and the way to do that, is to set up better Lights, who have warmth in them, and are not luke-warm in Religion. Surely they that quarrel betwixt Preaching and Prayer, and would have them contend, never meant well to either: But both must have their due. And yet I know not how it comes to pass, but it hapneth to us, which is in no other Religion in the World, that a man may be too religious: and many one by that scandal, is frightened into a deep dissimulation. It is wisdom in us, to preserve temper and moderation: for breaking of Parliaments makes dangerous wounds in the body politick; and if the splinters be not pulled out with a gentle hand, we may hereafter despair of Cure.

‘ In 14 *Ed. 3.* Subsidies were given to the King for his expedition into *France*, but by the ill Management of his Treasure here, he was so low, that he was glad to make Truce with the *French King*.

‘ In 15 *E. 3.* he returns, and summoned a Parliament, wherein there were nothing but Jealousies and Distempers.

‘ In 17 *E. 3.* he called another Parliament, to procure an Atonement with his Subjects, which took good success by their humble carriage to him, and his willingness to ratifie their Liberty, whereby all breaches were then made up.

‘ A Parliament is the Bed of Reconciliation between King and People; and therefore it is fit for us, to lay aside all exasperations, and carry ourselves with humility: howbeit the Kings Prerogative may go far, yet if it be swayed with Equanimity, it may be the better born.

‘ Princes are, and will be as jealous of their power, as people of their liberties; though both are then best, when kept within their several bounds. Levying of Moneys is a great disturbance to the Subject; and so will be the scarcity of the Kings Revenues, until they be supplied. And where the Power of the King and necessity meets in one hand, he will not long be disappointed. But before the ending of this Parliament. (the untimely breaking whereof would be the breaking of us) I doubt not but His Majesties Revenues may be so settled, that he may live plentifully

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tifully at home and abroad : and without taking any thing from His Majesty, save that, which of it self would fall away.

‘ In former Parliaments, the Carriage of some have been so haughty, as though Parliaments would last always; and the carriage of others, as if there would be never any again. And therefore a moderation (if we love our selves) is requisite.

‘ The delays of remedies are well known, how dangerous they are to the Common-wealth and Religion, seeing during this Vacation of Parliaments, so many disorders have been committed, by Innovations in Religion, Violation of Laws, and intruding upon Liberties.

‘ To set all which aright, is now our task: and if in these tempting provocations we bear a temperate moderation, we shall not miss of our end, but shall vindicate God in his Religion, the King in his Honour, and the Common-wealth in its gasping Extremities.

‘ If temper and moderation be not respected by us, beware of having the Race of Parliaments rooted out.

‘ Men and Brethren, What shall we do? If it were for my life, I would desire nothing more, than that we proceed with moderation, that so we may have many happy Parliaments, and that no dismal Events may happen to any: for when Parliaments are gone, we are lost.

April. 17.

Upon *Friday* the 17th of *April* the House reassumed the debate about Grievances occasioned by several Petitions from *Essex, Suffolk, &c.* presented by the Knights of those Shires, they were reduced to three Heads.

1. Such Grievances as were against Liberty of Parliaments.
2. Innovations in matters of Religion.
3. Grievances against Property of Goods, and the Common Liberties of the Kingdom.

Of all these Mr. *Pym* in a long and elaborate Speech discoursed, and at the last moved, that their and such other Grievances as shall be offered here by any Member of the House may be first voted here; If any shall stick upon the vote, that they may be debated, and when they are cleared they may be according to the ancient custom of Parliament presented to the Lords; and if they shall allow of them they may be presented in a Petition from both Houses to His Majesty.

The Lord Keeper being under some Indisposition of health, Sir *John Bramston* Lord chief Justice of the Kings Bench was deputed by Commission under the Broad Seal to execute the Office.

This day the Lord Viscount *Cambden*, was with the usual Solemnity brought into the House of Peers, between the Earl of *Thanet* and the Lord *Newenham Paddox*.

Then the Princes Highness's writ of Summons was read, after which the Lord *Audley* was introduced between the Lord *Strange*, and the Lord *Newenham*, and because he came in upon Restitution of Blood, his Patent was thought fit to be read, which bears Test 3. die Junii Anno Carol. Reg. nono.

Mr. *Hide* moved against the Court of Honour, and desired that the Commission under pretence, of which they demanded their Fees might be sent for. Several other Members moved also against several proceedings

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in the Kings Bench and Court of *Star-Chamber*, upon which it was ordered, That the Records, Inrolments, Judgments and Proceedings in the Exchequer, and other Courts concerning Ship-money, and against Sir *John Elliot*, Mr. *Hollis*, and the imprisoned Members 3 & 4 *Caroli* should be sent for to be brought to the House, *Munday* eight of the Clock, and Mr. Speaker to Issue out Warrants for that purpose.

It was also referred to a Committee to consider of the breach of Priviledge by Sir *John Finch* Speaker 3 *Car.* who refused to put the Question by command of the House, and the Committee ordered to state matter of Fact and so report.

Another Committee was also appointed to consider of Grievances and Petitions.

Mr. Treasurer reported that Sir *John Finch* late Speaker did not say he would not put the Question, but that he durst not put it, that he left the Chair not to disobey the House, but to obey His Majesty, the House thereupon Voted that it was a breach of Priviledge for the Speaker not to obey the Command of the House, and it was moved that this should be humbly represented to His Majesty.

Munday
April 2.

The several Officers of the Respective Courts that were ordered to attend the House with the Records of those Courts that were sent for were, enjoyned to appear upon *Wednesday*; upon which a Member affirmed, and vouched a Statute for it, That the Records of the Court of Kings Bench could be carried to no place but where the Lord Chief Justice of that Bench went with them; to which it was replied that there was a President which without doubt would be found out to morrow morning, that the Lord Chief Justice has come himself with the Records that have been required by the House.

The Lord Archbishop of *Canterbury* reported the business of the Committee, concerning the High Court of Parliament sitting upon Convocation days, and by order of their Lordships it was entred as follows:

The Ordinary days for the Convocation to sit are *Wednesdays* and *Frydays*, and their Ordinary Houses are from Eight or Nine in the morning to Eleven, but they may sit as their business leads them upon any day, or at any convenient hour of the day, so it be without prejudice to the Honourable House; But this House is to be free always to sit or not sit upon Convocation days as they see cause; and the Lords Spiritual are upon *Tuesdays* and *Thursdays* to move by the Lord Keeper, whether the Honourable House will sit the day following or not, that so they may dispose of themselves and their affairs accordingly.

Order of the
Lords about
the Convoca-
tion.

Tuesday, April 21. Mr. Treasurer delivers a message from His Majesty, that the House attend His Majesty at one of the Clock this afternoon in the Banqueting-House at *Whitehall*.

Sir *W. Earl* moves the House to take notice of a Commission he understands they have at this time in the Convocation House; and a Committee was appointed to take a view of the Commission, and report the effect of it to the House.

The House ordered to meet Mr. Speaker at *Whitehall*, and so to go along with him to attend His Majesty, which they did accordingly, to whom the Lord Keeper spake as followeth, the King being present.

1640.

My Lords and Gentlemen,

YOU may well remember, upon the beginning of this Parliament his Majesty commanded me, to deliver unto you the causes of calling of it, which was for the Assistance and Supply of his Majesty in so great, weighty and important Affairs, as ever King of *England* had to require at his Subjects hands.

I am now to put you in mind what I then said unto you, and withal to let you know, that such and so great are his Majesties Occasions at this time, that if the Supply be not speedy, it will be of no use at all: for the Army is now Marching, and doth stand his Majesty in at least *one hundred thousand pounds a month*, and if there be not means used to go on with this as is fitting, his Majesties Design will be lost, and the Charge all cast away. It is not a great and ample Supply for the perfecting of the Work, that his Majesty doth now expect, but it is such a Supply (as without which) the Charge will be lost, and the Design frustrated, being built upon those weighty reasons which tend to the infinite good of the Kingdom, and preservation of you all.

This done, his Majesty will give you scope and liberty to present your just grievances unto him, and he will hear them with a gracious Ear, and give them such an Answer, as you and all the Kingdom shall have reason to joy therein.

His Majesty taketh notice of one particular, and that is concerning *Ship-money*; wherein his Majesty hath commanded me to declare thus much unto you: *First*, His Majesty never had it in his Royal Heart, to make the least benefit or profit of it: But whatsoever he did or intended in it, it was for the Common good of you all; for the honour, glory and splendour of this Nation, and that every one of us are made sharers and partakers in the benefits, fruits, and successes of it, which otherwise you would have felt the woes of it. He hath been so far from making the least benefit of it, that he hath expended great Sums of Money out of his own Coffers to work with, to those necessary Ends I have named unto you.

The Accompts of such Moneys so received, have been brought to the Council Table, the Moneys delivered to Sir *William Russel* the Treasurer of the Navy, and by them all it may appear whether there hath been a fulness and clearness of truth in the disbursements thereof, for the good and safety of the Kingdom.

It is true, his Majesty had once intended this year not to have taken that course, but an Army which his Majesty so just a King for the preservation of the Kingdom hath now taken into Consideration; And I must tell you, that his Majesty prizeth nothing more than his honour, and he will not lose for any earthly thing, his honour in the least; They cannot make those expressions of love, duty and affection to him, which the graciousness of his nature will not exceed in.

Of all his Kingdoms, this ought to be the nearest and dearest unto him, yet for his Kingdom of *Ireland* the last Parliament before this, the very second day of the Parliament they gave him six Subsidies, they relied upon his gracious words, the success was that before the end of the Parliament, they had all that they did desire granted, and had it with an advantage. This last Parliament there, it is well known unto you all, what

what a cheerful supply they have given unto his Majesty, for their hearts went with it; and let it not be apprehended, that Subsidies there are of small Value; there is not a Subsidy that is granted, but is worth *fifty or sixty thousand pounds* at the least: Consider that Kingdom, what proportion it holdeth with this of *England*, and you will find, that it is a considerable Gift, as hath been given in many years. It hath wrought this effect, That certainly his Majesty will make it apparent to all the world, what a good construction, and how graciously he doth esteem and interpret this Act of theirs. I have directed hitherto my Speech to you that are of the House of Commons; Now I shall address my self to your Lordships.

It is true, the proper and natural Supply proceeds from the House of Commons; yet in aid at this time, his Majesty hath called you hither; and hopeth he shall not find the House of Commons backward to his desires, nor your Lordships to concur with them.

To you of the House of Commons, I did forget one thing, of an Objection that might perhaps be made; That *Tonnage* and *Poundage* is given towards the maintenance of a *Fleet* at Sea, let me tell you, that *Tonnage* and *Poundage* was never intended but for ordinary preservation of the Sea, not that that should be to defend the Dominion of the Narrow Seas, when the Navies of all the Princes of Christendom are so increased as they are. It is fit for his Majesty (as things now stand) to have such a strength at Sea, as may be a Terror to others abroad.

His Majesty was once resolved that no *Shipping-Writ*s should have issued out this year, but he was enforced for your good, and the good of the Kingdom, and for his honour, upon necessary and weighty reasons to send forth *Writ*s, and those Reasons were these.

It was of necessity for his Majesty to prepare an Army to reduce his distressed Subjects of *Scotland* to their due Obedience. This very year all the Neighbouring Princes are preparing with great *Fleets* of Ships, so as it is time for his Majesty to put himself into a strength that he may be able to preserve the Dominion of the Narrow Seas, without which this Kingdom will be lost, he not able to maintain his Right of being the Moderator of the Sea, whereby there may be Freedom and Commerce of Trade, which adds exceedingly to the flourishing of this Kingdom. Another reason for *Shipping-Writ*s this year is, That those of *Argier* are grown to that insolency, that they are provided of a *Fleet* of sixty sail of Ships, and have taken divers Ships, and one called the *Rebecca* of *London* (well known to the Merchants upon the *Exchange*) taken upon the Coasts of *Spain*, worth at the least *two hundred and sixty thousand pounds*. And therefore the *Writ* having gone out upon those weighty reasons, before it was possible the Parliament could give any supply to provide for those things, his Majesty cannot this year forbear it, but he doth expect your Concurrence in the Levying of it for the future. I shall speak that unto you by his Majesties Command, which may comfort any *English* heart; his Majesty hath no thoughts of enriching himself by the monies coming in upon these *Writ*s: He doth desire but to live as it behoves a King of *England*, able to defend you and this Nation in honour and in lustre, which is famous abroad, and glorious at home, and to live but like such a King, as every true *English* heart desireth their King should be.

Be Masters of your own way, settle it so secure and so safe, that it may never come to the least benefit and advantage to himself, but for the common good, and those necessary ends wherein you shall all share in
your

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your plenty, peace, honour, and whatsoever any *English* man can glory in.

His Majesty commands me to tell you, You shall propound nothing wherein you may receive all security for the property of your goods, and nothing for securing your own Liberties, wherein he will not most readily listen unto you; and be as willing to grant, as you to ask. His Majesty doth now offer unto you the reasons, occasions, and the way to make this the most blessed and most happy Parliament thas ever was, and that may produce such effects, that the King may delight in his people, and the people in their King. And he layeth before you not only the Counsel to do so; but he will tell you the way, and that is by putting an obligation of trust and confidence upon him, which shall more secure you, than all that you can invent, or Fears, or Jealousies can imagine to be provided for; It is a course that good Manners, Duty and Reason should require of you, to take into Consideration.

Upon the Report of the Speech made to the House by the Lord Keeper Mr. Waller spoke as followeth.

Mr. Speaker,

Mr. Waller's
Speech.

I Will use no Preface as they do who prepare men for something in which they have a particular Interest. I will only propose what I conceive fit for the Cause to consider, and shall be no more concerned in the Event, than they that shall hear me.

Two things I observe in his Majesties demands, *First*, The Supply. *Secondly*, Your speedy dispatch thereof. Touching the *First*, his Majesties occasions for money are but too evident; for to say nothing how we are neglected abroad and distracted at home, the calling of this Parliament and our sitting here (an effect, which no light cause in these times hath produced) is enough to make any reasonable man believe, that the Exchequer abounds not so much in money, as the State doth in occasions to use it, and I hope we shall appear willing to disprove those, who have thought to dissuade his Majesty from this way of Parliaments, as uncertain; and to let him see it is as ready, and more safe for the advancement of his affairs, than any new or pretended old way whatsoever. For the speedy dispatch required, which was the second thing; not only his Majesty, but *res ipsa loquitur*, the occasion seems to importune no less; necessity is come upon us like an Armed man.

The use of Parliaments heretofore (as appears by the *Writs* that call us hither) was to advise with his Majesty, of things concerning the Church and Common-Wealth.

And it hath ever been the Custome of Parliaments, by good and wholesome Laws to refresh the Common-Wealth in general; yea and to descend into the Remedies of particular grievances, before any mention made of a Supply. Look back upon the best Parliaments, and still you shall find, that the last Acts are for the free gifts of Subsidies on the Peoples part, and General Pardons on the Kings part: even the wisest Kings have first acquainted their Parliaments with their designs, and the reasons thereof; and then demanded the assistance both of their Counsel and Purse. But Physicians though they be called of the latest must not stomach it, or talk what might have been, but apply themselves roundly to the Cure; let

let us not stand too nice upon Circumstances, nor too rigidly postpone the matter of Supply to the healing of our lighter wounds, let's do what possibly may be done with reason and honesty on our part, to comply with his Majesties desires, and to prevent the imminent Evils that threaten us. But consider, that they who think themselves already undone, can never apprehend themselves in danger, and they that have nothing left can never give freely; nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their own defence and safety, unless his Majesty be pleased first to restore them to the propriety of their goods and lawful liberties, whereof they esteem themselves now out of possession. One need not tell you the propriety of goods is the Mother of Courage and the Nurse of Industry; it makes us Valiant in War, and Industrious in Peace; the Experience I have of former Parliaments, and my present observation of the care the Countrey has had, to chuse Persons of Worth and Courage, make me think this House like the *Spartans*; whose forward Valour required some softer Musick to allay and quiet their Spirits, too much moved with the sound of Martial Instruments. 'Tis not the fear of Imprisonment, or (if need be) of Death it self, can keep a true-hearted *English* Man from the care to leave this part of his Inheritance as entire to Posterity, as he received it from his Ancestors.

This therefore let us first do, and the more speedily, that we may come to the matter of Supply. Let us give new force to the old Laws, which have been heretofore for the maintaining of our Rights and Privileges, and endeavour to restore this Nation to the fundamental and vital Liberties, the propriety of our Goods and the freedom of our Persons, no way doubting but that we shall find his Majesty as gracious and ready as any of his Royal Progenitors have been to grant our just desires therein; for not only the people do think, but the wisest do know, that what we have suffered in this long Vacancy of Parliaments, we have suffered from his Ministers; that the Person of no King was ever better beloved of his people, & yet that no people were ever less satisfied with the present ways of levying moneys. These are two truths which may serve, the one to demonstrate the other; for such is the opposition to the present courses, that neither the admiration they have of his Majesties natural inclination to Justice and Clemency, nor the pretended consent of the Judges, could make them willingly submit themselves to this late Tax of *Ship-money*, and such is their natural love and just esteem of his Majesties goodness, that no late pressure could provoke them, nor any example invite them to disloyalty or disobedience; but what is it then, that hath bred this misunderstanding betwixt the King and his People? how is it that having so good a King, we have so much to complain of? Why Mr. Speaker; We are told of the Son of *Solomon*, that he was a Prince of a tender heart, and yet by the advice of violent Councillors, how rough an Answer he gave to his people, *that his finger should be as heavy as his Fathers loyns*, this was not his own, but the voice of some persons about him that wanted the gravity and moderation requisite for the Counsellors of a young King. I love not to press Allegories too far, but the resemblance of *Jobs* Story with ours holds so well that I cannot but observe it unto you. It pleased God to give his Enemy leave to afflict him more than once or twice, and to take all that he had from him, and yet he was not provoked so much as to Rebel with his tongue (*although he had no*
very

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‘very good example of one that lay very near him) and felt not half that he suffered; I hope his Majesty will imitate God in the benigner part too; he was severe to *Job* only while he discoursed with another concerning him; but when he vouchsafed to speak himself to him, he began to rebuke those who had mistaken and misjudged his case; and to restore the patient man to his former prosperity: so now that his Majesty hath admitted us to his presence, and spoken face to face with us, I doubt not that we shall see fairer days, be restored again to the possession of our property and liberty, and that his Majesty will frown upon those who have given the ill Counsel.

‘I wonder at those that seem to doubt the success of this Parliament, or that the misunderstanding between the King and his People should last any longer when now they are so happily met.

‘His Majesties wants are not so great, but that we may find means to supply him, nor our desires so unreasonable or incompatible with Government, but that his Majesty might well satisfy them: for our late Experience I hope will teach us what Rocks to shun, and how necessary the use of moderation is; and for his Majesty, he has had experience enough how that prospers that is gotten without the concurrent good will of his People; never more money taken from the Subject, never more want in the Exchequer; if we look upon what has been paid, it’s more than usually the People of *England* were wont to pay in such a time; if we look upon what has been effected therewith, it shews as if never King had been worse supplied, so that we seem to have endeavoured the filling of a sieve with water; whosoever gave advice for these Courses, has made good the saying of the wise man, *Qui conturbat domum suam perdebit ventum*; by new ways they think to accomplish wonders, but in truth they grasp the wind, and are at the same time cruel to us and to the King too: for let the Common-wealth flourish, and then he that hath the Sovereignty can never want, nor do amiss; so as he govern not according to the interest of others, but go the shortest and easiest ways to his own and the common good.

‘The Kings of this Nation have always governed by Parliament, and if we look upon the success of things since Parliaments were laid by, it resembles that of the *Grecians*, *Ex illo fluere & retro sublapsa referri Res Danaum*; especially on the Subjects parts; for though the King hath gotten little, they have lost all; but his Majesty shall now hear the truth from us, and we shall make appear the Errors of Divines, who would persuade us that a Monarch must be absolute, and that he may do all things *ad Libitum*; receding not only from their Text, (though that be a wandering too) but from the way their own Profession might teach them, *Stare super vias antiquas*; and remove not the antient Bounds and Land-marks, which our Fathers have set: If to be absolute were to be restrained by no Laws, then can no King in Christendom be so; for they all stand obliged to the Laws Christian, and we ask no more; for to this Pillar is our Government fixt; Our Kings at their Coronation taking a Sacred Oath to secure us.

‘I am sorry these men take no more care to gain our belief of those things which they tell us for our Souls health, while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the Subjects of *England*: but they gain preferment, and then ’tis no matter though they neither believe themselves, nor are belived by others: but since they are so ready to let loose the Consciences of their
‘Kings,

'Kings, we are the more carefully to provide for our protection against
'this Pulpit-Law, by declaring and reinforcing the municipal Laws of this
'Kingdom. It is worthy observing how new this opinion, or rather this
'way of rising is, even amongst themselves; for Mr. *Hooker*, who was
'no refractory man (as they term it) thinks, *That the first Government*
'*was arbitrary, until it was found that to live by one mans will, becomes all*
'*mens miseries*. These are his words, concluding that *this was the original*
'*of inventing Laws*. And if we look further back, our Histories will tell
'us that the Prelates of this Kingdom have often been the Mediators be-
'tween the King and his Subjects, to present and pray redress of their
'grievances, and had reciprocally then as much love and reverence from
'the People, but these Preachers (more active than their Predecessors and
'wiser than the Laws) have found out a better form of Government.

'The King must be a more absolute Monarch than any of his Predeces-
'sors, and to them he must owe it, though in the meantime they hazard
'the hearts of his People, and involve him into a thousand difficulties:
'for suppose this form of Government were inconvenient, (and yet this
'is but a supposition, for these five hundred years it hath not only main-
'tained us in safety, but made us Victorious over other Nations:) But sup-
'pose they have another Idea of one more convenient; We all know how
'dangerous Innovations are, though to the better; and what hazard those
'Princes must run, that enterprize the change of a long established Govern-
'ment? Now of all our Kings that have gone before, and of all that are
'to succeed in this happy race, why should so pious and so good a King be
'exposed to this trouble and hazard? besides that Kings so diverted, can
'never do any great matter abroad.

'But whilst these men have thus bent their wits against the Law of their
'Countrey, whether they have neglected their own Province, and what
'tares are grown up in the field which they should have tilled, I leave it
'to a second consideration; not but that Religion ought to be the first thing
'in our purposes and desires, but that which is first in dignity is not always
'to precede in order of time: For well-being supposes a being, and the
'first impediment which men naturally endeavour to remove, is the want
'of those things without which they cannot subsist.

'God first assigned to *Adam* maintenance of life, and gave him a title
'to the rest of the Creatures, before he appointed him a Law to observe.
'And let me tell you, that if our Adversaries have any such design, as there is
'nothing more easie than to impose Religion on a People deprived of their
'liberties, so there is nothing more hard than to do the same upon Free-
'men.

'And therefore Mr. *Speaker*, I conclude with this motion, that there may
'be an Order presently made, That the first thing this House will consider
'of, shall be the restoring of this Nation in general to the fundamental and
'vital Liberties, the property of our goods, and freedom of our persons;
'and that then we will forthwith consider of the Supply desired.

'And thus shall we discharge the trust reposed in us by those that sent
'us hither. His Majesty will see that we make more than ordinary haste
'to satisfy his demands; and we shall let all those know that seek to
'hasten the matter of Supply, that they will so far delay it, as they give
'interruption to the former.

1640.



Thus were men strangely carried down the Popular Stream of believing that the Bishops and Ministers of State had a Design to set up a new Species of Absolute Monarchy, when all their aim was to keep the Old Government by Law established in Church and State, upon the wheels which they evidently saw the *Scotish* Faction were endeavouring to overthrow; and which, by the assistance of many worthy Gentlemen who lived to see their Error, and buy too late Repentance, a very dear pennyworth, they did in conclusion effect.

The House instead of taking any notice of His Majesties or the Lords Request and Advice concerning a Supply, proceeded to the Consideration of Grievances.

A Conference was desired by the Lords with the Commons at Three of the Clock in the *Painted Chamber*.

A Report was made concerning the Commission of the Convocation, That it was not Enrolled nor went forth by Order from the Signet or Privy Seal, but by an immediate Command of His Majesty, that they found the Dockets of it remaining with the Clerk of the Crown.

Thursday, April
23.
Bradshaw Sen-
tenced for
forging Pro-
tections.

This day the Examination of *Edward Bradshaw*, taken by the Lord Chief Justice dated *April 23.* was read in the Lords House, wherein was set forth that the said *Bradshaw* did counterfeit the Hand and Seal of the Right Honourable the Lord *Morley* and *Mounteagle*, in three several Protections, and did sell them for three Pounds to one *Kinnaston*. Whereupon the said *Bradshaw* kneeling as a Delinquent at the Barr, the Lord Keeper by the direction of the House did pronounce that the said *Bradshaw* should be presently committed to the Fleet, and stand in the Pillory to morrow before Eleven of the Clock, both at *Westminster* and *Cheapside*, and Fine One Hundred Pound, and be sent to the House of Correction, there to remain till he find Sureties for his good behaviour, but upon the Twenty Eighth following, their Lordships taking into Consideration that *Bradshaw* was a Gentleman Born, they were pleased generously to remit that part of his Sentence for Whipping, which was implied by his Commitment to the House of Correction.

The Earl of
Strafford
brought into
the House of
Lords.
Mr. *Glyn's* Re-
port about
Ship-Money.

This Day the Earl of *Strafford* was with the usual Solemnity introduced into the House of Peers between the Earl of *Clare*, and the Earl of *Cleveland*, and brought to his place next below the Earl of *Portland*.

Mr. *Glyn* Reports to the House of Commons from the Committee of Grievances, That it is presented unto them by the Knights Citizens and Burgesses, that the *Ship-Money* is taken, received and complained of as a Grievance, by all the Counties, Cities and Burroughs of *England* and *Wales*.

Order for a
Publick Fast.

Saturday Seven-night was by joynt Consent of His Majesty, the Lords Spiritual and Temporal, and the Commons; appointed for the Publick Day of Fasting and Humiliation, and Dr. *Holdsworth* and Mr. *Stephen Marshal*, were desired to Preach before the House of Commons.

Order in fa-
vour of the
Lawyers
Members of
Parliament.
Order for the
Conference
with the
Lords.

Ordered, That the Judges be moved to give precedence in their motions to all such Lawyers as are Members of this House.

Ordered, That the House Consult with the Lords to prevent Innovations in matters of Religion, and concerning Property, Liberty and Privileges of Parliament, the better to prepare the Commons to give an Answer to His Majesty touching Supply.

Friday, April
24.

April, 24. The King came to the Lords House without His Robes, and His Majesties coming being unexpected, their Lordships were also without their Robes: His Majesty spoke to them to this Effect, 'That the Cause

' of

of His coming was to put them in mind of what had been delivered by the Lord Keeper in His Name unto both Houses the first day of the Parliament, and after at *Whitehall*.

How contrary to His Expectation the House of Commons having held Consultation of matter of Religion, Property of Goods, and Liberty of Parliament, and voted some things concerning those three Heads, had therefore given them precedence before the matter of His Supply. That His Necessities were such they could not bear delay, That whatsoever He had by the Lord Keeper promised He would perform if the House of Commons would trust Him.

For Religion, That His Heart and Conscience went together with the Religion Established in the Church of *England*; and he would give order to His Archbishops and Bishops that no Innovation in matter of Religion should creep in.

For *Ship-Money*, That He never made or intended to make any profit to Himself of it, but only to preserve the Dominion of the Seas which was so necessary, that without it the Kingdom could not subsist: but for the way and means by *Ship-Money* or otherwise, He left it to them.

For Property of Goods and Liberty of Parliament, He ever intended His People should enjoy them, holding no King so great as He that was King of a Rich and Free People; and if they had not Property of Goods and Liberty of Persons, they could be neither Rich nor Free.

That if the House of Commons would not first Trust Him, all His Affairs would be disordered and His Business lost. That though they trusted Him in part at first, yet before the Parliament ended he must totally trust them; and in conclusion, they must for execution of all things wholly trust Him. Therefore since the matter was no more than who should be first trusted, and that the trust of Him was but a trust in part; He desired the Lords to take into their Consideration His and their own Honour, the Safety and Welfare of the Kingdom with the great Danger it was in, and that they would by their Advice dispose the House of Commons to give His Supply, the precedence before the Grievances.

Thereupon was a long Debate about the matter of the Supply: At length two Questions were agreed upon to be propounded to the House.

I. Whether His Majesties Supply should have precedence before any other matter whatsoever, carried by the * Contents.

II. Whether there should be a Conference with the House of Commons desired to dispose them thereunto, carried in the like manner as the former.

Sir *Thomas Smith* Ordered a Warrant from Mr. Speaker of the House of Commons, to stave all Suits against him during the time of Parliament; and the contempt of his Arrest to be declined, because it was not committed within the time of Priviledge, viz. within 16 days before the beginning of the Parliament, and so many after.

It was said this day in the House and not contradicted, That every Member of the House had Priviledge for 16 days exclusive and 15 days inclusive before the beginning and ending of Parliament.

Friday, Apr. 24.

* Note that in the Lords House, they who say Content are for the affirmative, they who say Not Content are for the Negative. Freedom of Members of the House of Commons from Suits and Arrests, for what time before and after Parliament.

1640.

Sir Walter
Earle's Report
for heads of a
Conference
with the
Lords.

Sir *Walter Earle* Reports from the Committee appointed to prepare Inducements for the Conference with the Lords.

I. Concerning Innovations in Religion.

I. The Commission lately granted to the Convocation House, the rather because of the Innovations brought in and practised when there was no such Commission.

II. The Complaints arising from the Petitions brought in from the several Counties by the Members against Innovations in Religion.

III. The molesting and depriving of Godly and Conformable Ministers for not yielding to matters enjoined without Warrant of Law.

IV. The publishing of Popish Tenets in Licenced Books, Sermons and Disputations.

V. Restraining of Conformable Ministers from Preaching in their own Charges.

II. Concerning Propriety of Goods.

I. Monopolies and restraint of Trade.

II. Ship-Money.

III. Enlarging the Bounds of Forests beyond what they have been for some hundreds of years last past.

IV. Military Charges, viz. Coat and Conduct Money, Wages, Arms taken from the Owners, forcing the Country to buy or provide at their Charges, Horses and Carts, by way of Tax.

V. The Denial of Justice in the Courts of *Westminster*, to the Subject's prejudice in point of the Property of his Goods.

VI. The frequent Imprisonment and Vexations for non-payment of unwarrantable Taxes, and not submitting to unlawful Monopolies.

III. Liberties and Priviledges of Parliament.

I. Punishing of men out of Parliament for things done in Parliament.

II. That which is already voted in the House concerning Priviledge of Parliament.

III. Suddain Dissolving of Parliaments without redress of Grievances. Laid aside for the present and not put to the Question.

Lastly, As that which relates unto all, and is a great cause of all the former Grievances, the not holding of Parliaments every year, according to the Laws and Statutes of this Realm. Laid by for the present and not put to the Question.

A Transcript of the Commission lately granted to the Convocation House was Read, and a Motion was made that this House might be informed by what means this Transcript was had? Whereupon Mr. *Holborne* one of the Select Committe appointed to view that Commission said, That according to the Order of this House they repaired to the Lord, who told them That if they had come to him before any Question had been made of this business he would have shewed it; but now desired that he might first acquaint His Majesty, which he did, and at our repair again to him the same Evening, he not only gave us liberty to see it but to have a Transcript of it. Then the several Heads for the Conference with the Lords about Grievances were severally put to the Question, and all of them except the Proposition

of

of suddain dissolving of Parliaments without redress of Grievances, and that of not holding Parliaments once a year, and that of pressing the Trained bands out of their proper Counties were carried in the affirmative.

The Lord Keeper declared to the House of Peers, that His Majesty had commanded him to let their Lordships know, that His Majesty is pleased to take notice of what yesterday their Lordships had resolved upon concerning the precedency of his Majesties supply before any other matters whatsoever; what care, zeal, and affection was expressed in his Majesties service both for the matter and the manner, and for dispatching it at that time according as his Majesty desired, for which his Majesty commanded him to give their Lordships thanks, and assure them that nothing is more pleasing to his Majesty than the good Relation between him and their Lordships, and assures their Lordships that it shall always be very dear to him.

A Conference desired with the House of Commons in the painted Chamber, which was delivered by a message from their Lordships by Mr. Justice Jones, and Mr. Baron Trevor to the House of Commons in these words:

His Majesty was pleased to come to the Lords House yesterday, and upon some Reasons that have risen from thence, and some debates thereupon since happened their Lordships desire a speedy Conference by a Committee of both Houses in the Painted Chamber; to which the Commons returned an answer by the same Messengers, that this House will give their Lordships a present meeting in the Painted Chamber with a Committee of the whole House, Mr. Pym, Mr. St. Johns, Mr. Solicitor, Mr. Jones, Mr. Grimston, and Mr. Hambden appointed Reporters of this Conference with the Lords.

Ordered that Mr. Rushworth admitted to be Clerk Assistant shall not take any Notes here without the preceding Directions and Commands of this House, but only of the Orders and Reports made in this House.

The Earl of Rivers was this day with the accustomed Formality brought into the House of Peers between the Earl of Rutland and the Earl of Carlisle, and placed next above the Earl of Newcastle.

The Earl of Carnarvan was brought in like manner between the Earl of Salisbury and the Earl of Denbigh, and placed next below the Earl of Peterborough.

The Lord Powis in like manner between the Lord Howard and the Lord Goring, and placed next to the Lord Dunsmore.

This day Mr. Herbert the Queens Solicitor General Reports the matter of the Conference.

‘**T**hat it pleased His Majesty to honour the Lords House so much as to come thither in person, and to make many Gracious expressions; and that he put them in mind, of what had been by my Lord Keeper in His Majesties name delivered, first in the Lords House, and after to both Houses in the Banqueting-house in White-hall, and then he gave us his Royal word and assurance, that he would not depart from one tittle of that, which in His Majesties name had been delivered to the House of Commons, but perform it really to the utmost.

‘He gave us to understand, that the necessity of his affairs was such as would bear no delay, and a delay would be as good as a denial, both in regard of the affairs themselves, and of the dangers that did attend them, as well as of his honour in Foreign States which so much concerned him

I 6 4 0.

Saturday,
April 25.

Munday
April 27. The
Earl of Rivers
introduced.

The Earl of
Carnarvan.

The L. Powis.

Mr. Herbert's
Report of the
Conference
with the
Lords.

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him to uphold, as he held it as dear as his life, and of as great importance to maintain.

His Majesty did think, that in Civility and good Manners, as well as necessity, it was fit for him to be trusted first.

There must be a Trust, and whether it begin with him or you, in the execution the total trust must be in him; the difference is but in point of time; though we trust him in the beginning, yet it is but in part, he must trust us in all before the end of this Parliament.

It is but a present supply that he expects at this time, to go on with the things in hand, or else all the things which hath been told us will be lost, and that a very little time delayed will make it impossible for my Lords and us, to recover the same.

That the Lords commanded him to tell us of the necessity of the affairs, and the urgency of the danger of somewhat that is lately come to their knowledge. The War is begun, and the men in *Scotland* have pitched their Tents at *Dunee*, and threaten an Invasion in *Northumberland*, and have taken some of the Troopers of *Sr. William Brounkards*, so as their intention is plain; besides the letter which may shew their purpose, to put themselves into the protection and defence of Foreign States.

The necessity is such, that His Majesty could not transfer the Trust to us, to begin with us, or otherwise he would most willingly let you go on in your own course, to begin with redress of your grievances; but His Majesties necessity requires a present supply for this purpose, after which he will let us go on with our Grievances, and doth promise a Princely and Gracious care, and will relieve you therein, as far as in Justice and Reason you can ask.

His Majesty did express that he holds nothing so glorious, as that he is King of a rich and free People, and if he do not secure you in your Liberties and property of Estate, he cannot account you a rich and free People, and consequently himself not Glorious: And therefore His Majesty declared, that for those three things Religion, Property of Estate, and Priviledges of Parliament, he would graciously listen unto you.

For Religion, his heart and his Conscience doth stand with the Religion of the Church of *England*, and as he hath lived in it, so he would die in it; and no man can be more careful to keep out Innovations than His Majesty will be; and for that purpose he would lay a great charge upon his Archbishops and Bishops, that they should take order accordingly.

For *Ship-money*, His Majesty declared, it was never in his thoughts, to make the least profit or benefit of it, and that he never did make advantage of it. But contrarily had laid out many thousand pounds out of his own Treasury towards that Defence, for which that was intended, as many of the Lords can witness.

All His Majesties care and aim was for the preservation of your safety, peace and plenty, and his own honour abroad: That he may Reign among you a great and glorious King, as you ought to desire he should: Therefore think you of any other way for the guard and preservation of the Seas, which (considering the great Naval preparations abroad) doth so much import, that he may be able to maintain a Navy, whereby he may be Moderator and keep Dominion of all the narrow Seas, without which it is impossible for us to subsist. Keep the Sea which is the way by which God hath enabled His Majesty to protect and defend us; put it into what way you will, His Majesty will join with us in it.

The

‘ The Lords have taken into consideration His Majesties gracious expression; we have the word of a King, and as some of the Lords were pleased to say, *not only of a King but a Gentleman*, and they would no more be guilty of distrusting him, than they would be of the highest undutifulness towards him.

‘ And upon all these considerations, though my Lords would not meddle with matters of Subsidy, which belong properly and naturally to you, no not to give advice therein, but have utterly declined it; yet being members of one body, Subjects of the same King, and all concerned in the common safety, their duty to His Majesty, and in their zeal and natural love to their Countrey, themselves and their Posterity, they have declared by Vote, that they hold it most necessary and fit that the matter of supply should have the precedence before any other matter or consideration whatsoever, and therefore desired a Conference with you, to let you know their reasons for the same.

‘ This taken into consideration, and done by you, trusting in His Majesties promise, (which they hold the greatest obligation upon him and the greatest security to your selves) they will freely joyn with you in all that concerns matter of Religion, property of Estate, and Priviledge of Parliament. This course being followed, their Lordships are of opinion we shall have a most happy and blessed Parliament.

‘ 1. Upon this Report, after long debate, It was *Resolved* upon the Question, That the Priviledges of the House of Commons are violated by the matters propounded by the Lords at the last Conference.

‘ 2. Resolved that the Lords propounding a supply, is a breach of Priviledge. And it being referred to a Committee, to prepare heads for a Conference to be had with the Lords concerning that matter, they were agreed on to this effect:

‘ That a message be sent to the Lords, wherein the House desires a Conference with their Lordships upon the subject matter of the Conference on *Saturday* last, which they conceive doth intrench upon the Priviledges of the Commons House.

‘ That at the Conference it being admitted by their Lordships, that matters of Subsidy naturally and properly belong to this House, and that their Lordships would not meddle therewith, or give advice therein, but had declined it; the Committee therefore conceives, that this House shall not need to labour therein, or to think of Presidents or reasons, for the maintaining of this Priviledge,

‘ That notwithstanding this Declaration, their Lordships meddled with, and advised concerning both the matter of supply and the time when, and that before such time as the same was moved to them by the Commons. It appears by their Lordships Declaration, (*viz.*) that they had Voted, That they held it most necessary and fit the matter of supply should have the Precedence before any other matter or consideration whatsoever; and therefore desired that Conference with the Commons to let them know their Lordships reasons; and that being taken into consideration and done by the Commons, their Lordships would freely joyn with them in all that concerns matter of Religion, property of Estate, and priviledge of Parliament.

‘ The course the Committee doth offer, for repair of this breach of Priviledge

1640.



‘viledge is, That their Lordships be desired in their wisdom to find out
‘some way of Reparation of their Priviledges for the present, and of pre-
‘vention of the like infringement for the future.

‘And whereas the Committee was induced to conceive, that their Lord-
‘ships had been informed that the Commons upon debate thereof had
‘taken into consideration the matter of Religion, property of Estate, and
‘priviledges of Parliament, and that they mean to let the same have the
‘precedency before the Supply, they humbly offer that the same may be
‘presented to their Lordships in words to this effect.

‘That in case their Lordships have taken notice of any Orders, or pro-
‘ceedings of the Commons concerning matters of Religion, property of
‘Estate and priviledge of Parliament, that they were to have precedency
‘before the Supply, which they seem to conceive by these words, *That this
‘being done, then their Lordships will freely joyn to the avoiding of all mis-
‘understanding between their Lordships and the Commons for time to come:*
‘They desire their Lordships to take no notice of any things which shall
‘be debated by the Commons, until they shall themselves declare the same
‘to their Lordships, which the Commons will always observe towards the
‘proceedings of their Lordships.

After long debate upon this Report, the House did agree with the Com-
mittee, and Resolved,

‘That the Lords Voting the propounding and declaring matter of Sup-
‘ply in such sort, as was contained in this Report, before it was moved
‘from the House of Commons, was a breach of the priviledge of the said
‘House. And the Commons at a Conference with the Lords (which en-
‘sued upon this occasion) desired their Lordships in their wisdom, to find
‘out some way for the reparation of their priviledges broken by the mat-
‘ter delivered at the last Conference, and to prevent the like Infringment
‘for the future, and that the Lords would not take notice of any thing
‘which shall be debated by the Commons, until they shall themselves de-
‘clare the same to their Lordships, which the Commons shall always ob-
‘serve to their Lordships proceedings.

Tuesday
April 28.

A Message was delivered to the Lords from his Majesty, That there
being some Question concerning Dr. *Manwaring* now Bishop of *St. Davids*,
His Majesty had given command that the said Doctor *Manwaring* should
not come to sit in Parliament or send any Proxy.

The House of Commons Voted the several heads for a Conference with
the Lords, the first part of the Conference concerning Innovations in mat-
ters of Religion was managed by Mr. *Pym*: the second about Property of
Goods by Mr. *St. Johns*: the third about liberty and priviledge of Par-
liament by Mr. *Holborn*.

Wednesday
April 29.

Ordered that Mr. Treasurer go up to the Lords to desire a Conference
concerning something that happened in the last Conference with their
Lordships touching the priviledges of the House of Commons. Mr. Trea-
surer returns an answer from the Lords, that their Lordships desire the
Conference might be presently in the Painted Chamber; both Houses met
accordingly, and Mr. *Pym* delivered unto their Lordships the substance
of what was agreed upon at the Committee, *April 27*. After which the
Lords returned to their House, and my Lord Keeper reported the Confe-
rence.

After

After which it was Resolved by the major part of the Votes of the House of Lords, That by their Lordships first Voting, We are of opinion, that the matter of his Majesties supply should have precedency, and be resolved of before any matter whatsoever, was no breach of the priviledge of the House of Commons.

I 6 4 0.

Resolved upon the Question, That it was no breach of the priviledges of the House of Commons for their Lordships to hear what his Majesty declared to their Lordships, and thereupon to report the same to the House of Commons.

The House of Commons was turned into a Grand Committee of the whole House upon Mr. *Maynard's* Report about *Ship-money*, and the Records of the Judges opinion were ordered to be sent for; while they were in this debate, the Lords sent to desire a Conference, the House was divided, for a present Conference were 148 against it, and for redress of Grievances and to post-pone Supply were 257. but this days debate came to no Resolution.

Thursday, April 30.

The Commons gave their Lordships a meeting as was desired the day before, the substance of which was thus delivered by the Lord Keeper according as it had been before agreed of by their Lordships at the Council Chamber at *Whitehall*.

Friday, May 1.

MY Lords have commanded me to let you know, that the desire and care on your part at the last Conference, represented unto them for preserving a good Union and Correspondence between their Lordships and you, is by them entertained with all respect, and requited with all good affection; as that which is the best way to bring our Consultations and Resolutions to an happy issue, to give his Majesty a dutiful account of our zeal and forwardness in those great and weighty affairs, for which we were assembled; and to further those United proceedings that may tend to the happiness of this Kingdom, and the contentment of both Houses.

The Lord Keeper's Speech.

Their Lordships well know the great priviledges belonging to both Houses of Parliament, of which they and you alike participate: and they are not ignorant of those that are distinctly proper to each House: what belongs to you of the House of Commons they never had thought to impeach or diminish in the least kind; and what they may justly challenge to themselves, they presume you will not attempt upon, since you cannot doubt but they will be as tender of their Honour in the preservation and upholding of their own, as they are and shall be careful not to invade or violate any of yours.

This (their Lordships commanded me to tell you) will best and most clearly appear, by the Course hath been held in their own House, and by their proceedings with you.

Their Lordships (as in Duty and affection to his Majesties Crown and Government they are bound) took into serious Consideration, the great and weighty motives of his Majesties calling us together at this time, the great Evils and Calamities that hang over our heads, and the apparent danger this Kingdom is like to run into, if by speedy and fitting supply his Majesty be not enabled to prevent it.

These with Reasons inforcing, how unsupportable Delay and Protraction was, and how impossible it is for both Houses to recover the loss of time, in a matter of so urging and pressing Consequence, whereby his

X x

Majesties

I 6 4 2.

‘ Majesties Command delivered to their Lordships and you both in the
 ‘ Lords House and in the *Banqueting-house* at *Whitehall*, his Majesty being
 ‘ present.

‘ His Majesty I say at both those times, expressed his gracious and Prince-
 ‘ ly desire to do all that from a just and a gracious King might be expected,
 ‘ whereby this Parliament might have an happy and blessed conclusion, to
 ‘ bring Joy and Consolation to his Majesty and all his Subjects. He told
 ‘ you, that all your just Grievances should be graciously heard and relieved;
 ‘ that he would therein let you be at no loss of time.

‘ Their Lordships were Witnesses, that his Majesty gave *his Royal word*
 ‘ herein, and for their parts lodge it in their hearts with as much trust and
 ‘ confidence of his Majesties Royal performance, as ever Subjects did.

‘ Not long after, his Majesty was pleased to honour the Lords House
 ‘ with his presence again, to renew their Remembrance of all that before
 ‘ had been delivered to both Houses, both for the necessity of the Supply
 ‘ desired, with an impossibility of admitting delay, and the clearness of
 ‘ his Majesties intention and resolutions to give all just satisfaction, to what
 ‘ with reason could be desired of him.

‘ His Majesty then took notice to their Lordships of somewhat that had
 ‘ been Voted in your House concerning Religion, Property of Goods, and
 ‘ Liberty of Parliament, whereby his Majesty conceived the matter of his
 ‘ Supplies set aside, which he had so often and with such weight of Reason
 ‘ desired might have precedence, after very gracious assurances to their Lord-
 ‘ ships of his Majesties constant affection and zeal for the true Religion, for
 ‘ preventing all Innovation therein, of his so often iterated promise to give
 ‘ a gracious Ear and just Relief to all your just Grievances, expressing his
 ‘ Royal Intentions in that of *Ship-money*, which he found so much stood
 ‘ upon. He was pleased to desire their Lordships, (as persons in their Ranks
 ‘ and Degrees nearest to him in honour, as much and more concerned than
 ‘ others, and in the safety and prosperity of his Kingdom, at least equally
 ‘ interested with the rest of his Subjects) in a case of this great and impor-
 ‘ tant weight.

‘ They would by their counsel and persuasion, incline you of the House
 ‘ of Commons to give his Majesty a speedy answer and resolution in the
 ‘ matter of supply.

‘ Their Lordships took his Majesties Desire into serious and dutiful con-
 ‘ sideration, and after a great and solemn Debate, they resolved, that their
 ‘ opinion was, *That the matter of his Majesties supply should have precedency,*
 ‘ *and be resolved of before any other matter, whatsoever;* and did think fit,
 ‘ there should be a Conference desired with you of the House of Com-
 ‘ mons, to dispose you thereunto. And this was all they then Voted or
 ‘ concluded, with which other Conference their Lordships acquainted
 ‘ you: This as it was just and honourable for them to do, so it neither ex-
 ‘ tended the Bounds and Limits of their own privilege, nor narrowed or
 ‘ straitned any of yours. And yet at the last Conference which their
 ‘ Lordships are apt and willing to believe, proceeded rather from some
 ‘ mistaking than any intention to lessen their, or enlarge your own privi-
 ‘ ledges,

‘ It was urged in your name, that the Voting of this was a breach of
 ‘ your privilege, and that therein their Lordships had been transported be-
 ‘ yond their grounds, which they had set to themselves: because in their
 ‘ former Conference their Lordships had admitted, that matter of supply
 ‘ ought to be given in the House of Commons, as naturally belonging to
 ‘ that



that House, and wherein their Lordships would not meddle, no not so much as to give advice: And yet by Voting what they did, had not only meddled in matter of supply, but as far as in their Lordships lay, had concluded both of matter and order of proceeding, for which you demanded Reparation from their Lordships: Wherein I'm commanded by their Lordships to let you know, that they have neither varied nor been transported from their own grounds, nor Voted any thing contrary to your rights and priviledges, or to that admitting of them at that Conference, which is pretended. For their Lordships did, and I do admit, that the Bill of Subsidies ought to have its Inception and beginning in your House, that when it comes up to their Lordships, and is by them agreed unto, it must be returned back to you, and be by your Speaker presented.

And therefore as they do disclaim any thought or Intention of such beginning in their House, so they did at their Debate and Conference with you, disclaim to meddle with the matter of Subsidies or Supplies; that is by naming the Time or Number, or any such Circumstances incident to the Bill, which ought to begin with you, or therein to give you any the least advice, but to confer and talk with you about supplies in general.

Their advice therein they do not, nor ever did hold derogatory to yours, or exceeding the priviledges of their own House: for as you frequently impart your Grievances to them, so it's all the reason in the world they should communicate their fears and foresights of Dangers to you, their Lordships being a Body that moveth in an Orb nearer unto the Royal Throne than you do, and thereby the likelier to communicate in the Counsels and Secrets of State, and for their Persons and Fortunes, at least as considerable in point of Danger.

Their Lordships are not unacquainted with that Establishment in Parliament, which was by you at the Conference styled, *The Indempnity of the Commons*: but it is indeed the *Indempnity* of the Lords and Commons, and so styled in the Record it self, by that Record made at Gloucester 9 H. 4.

It appears there was a Conference between the Lords and Commons, about the State of the Realm and Defence of it, after which the King demanded of the Lords, What Aid was fit to be granted? they said a Tenth and an half in Cities and Boroughs, and one Fifth and a half of others, and a Subsidy of *Tonnage* and *Poundage* for two years.

Upon which, the King sent to the Commons to send up to him and the Lords, twelve of their Company; when they came, it was by the Kings Command declared, what had been of the King demanded of the Lords, and what the Lords Answer thereunto was (which the King willed them to report to their Companions, that they might with better speed conform themselves to the intention of the Lords.)

This indeed the Commons were troubled at, as being a great derogation to their Liberties; whereupon to prevent for the future any thing that might turn to the prejudice of their Liberty, or against the Liberty of the Lords, It was Established, *That it should always be lawful for the Lords to commune among themselves in the King's absence of the State of the Realm, and the Remedies needful; and so for the Commons among themselves. Provided always, That neither the Lords or Commons report to the King any things granted by the Commons and assented to by the Lords, nor the Communication of it, before the Lords and Commons be agreed, and then be represented (as the manner is) by the Speaker of the House of Commons.*

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‘ This is the substance of that Establishment, which only hath relation
 ‘ to the manner of presenting Subsidies and Aids to the King, and giving
 ‘ him knowledge of them. And as it hath not one word that barrs the
 ‘ Lords and Commons from conferring about them; so it plainly declares,
 ‘ that Lords and Commons in their severall Houses, may equally treat
 ‘ amongst themselves of the dangers the Kingdom is in, and of the way to
 ‘ remedy them: and this my Lords have well weighed, and are satisfied
 ‘ verifies their proceedings to have been according to antient usage and
 ‘ custom, as they are grounded upon just and weighty reasons.

‘ Many other Reasons their Lordships have to justify their proceedings
 ‘ in this particular: but they conceive this Record alone mentioned by
 ‘ your self, will give you herein abundant satisfaction, and plainly shew,
 ‘ that the House of Commons had no cause to demand Reparation herein
 ‘ from their Lordships.

‘ A second thing objected wherein their Lordships have been said to
 ‘ have broke another great Priviledge of the House of Commons established
 ‘ by that Ordinance which I have mentioned before, is, that their Lord-
 ‘ ships have taken notice of some proceedings in the House of Commons,
 ‘ concerning three particulars, *viz.* Religion, Property of Goods, and Pri-
 ‘ viledge of Parliament. To which their Lordships have commanded me
 ‘ to give you this just and honourable Answer.

‘ His Majesty told their Lordships you had resolved something concern-
 ‘ ing these three heads, and by that way of proceeding preferred the grie-
 ‘ vances before the matter of Supply. How his Majesty knew that you
 ‘ had so resolved, belongs not to their Lordships to enquire into, *their*
 ‘ *Lordships not meddling* with any thing that others said to the King. But
 ‘ withal his Majesty said to their Lordships, and for their Lordships to hear
 ‘ what *his Majesty declared to them*, and for them thereupon to report the
 ‘ same to the House of Commons, their Lordships are so far from holding
 ‘ it any diminution, or violation of your Priviledges, that on the contrary
 ‘ in Duty to his Majesty they could do no other, and the communicating
 ‘ it to you in that manner, they think rather merits your opinion and be-
 ‘ lief of their Affections to you, and desire of Correspondence with you,
 ‘ than any other misconstruction whatsoever.

‘ And that which you called the *Indemnity of the Commons*, hath no
 ‘ word in it that can be construed to made that any breach of your Privi-
 ‘ ledge; and therefore their Lordships having thus cleared and justified
 ‘ their own proceedings, and freed themselves from any Imputation of In-
 ‘ vading your Liberties, they cannot but return to their first grounds and
 ‘ resolution, which were in all fair and affectionate manner, to stir up in
 ‘ you the just consideration of those great and eminent dangers that threaten
 ‘ this Kingdom at this time, and how dangerous and irrecoverable delay
 ‘ is. And withal to dispose you to take into your first and best thoughts
 ‘ the matter of his Majesties Supply, and give him a speedy Answer therein.

‘ This their Lordships are confident, will be the means to preserve and
 ‘ continue a good union and understanding between their Lordships and
 ‘ you, to make this a happy Parliament, and to avert the publick calami-
 ‘ ties, that menace the ruin and overthrow of this famous and renowned
 ‘ Monarchy.

Mr. Trea-

Mr Treasurer brings a Message from his Majesty to the House of Commons, which he read in these words:

That his Majesty hath divers times and sundry ways acquainted the House with the urgent danger inevitably like to fall upon the whole State, upon his own Honour, and the Honour of the Nation, if more time be lost.

That nevertheless his Majesty hath received no Answer at all, tho heretofore his Majesty had told the House that a delay in this case is as destructive as a denial; and doth again desire them to give him a present Answer concerning his Supply, his Majesty being still resolved on his part to make good his promises made by himself and the Lord Keeper.

Upon which the House was immediately resolved into a Grand Committee of the whole House, and *William Lenthall* Esq; being in the Chair, it was debated till almost Six of the Clock at Night, whether Supply or Grievances should have the Precedency. But notwithstanding all his Majesty could say, the Presbyterian Faction who were secret Friends to the Scots, and had drawn in a great Party of Loyal Gentlemen with their fair pretences, had gained such an ascendant upon the House that all came to nothing; delay of Supply was all the Service they could at present do their Brethren of *Scotland*, and this they easily did by the Popular preference of redressing Grievances before the other; and upon this subject spinning out long Debates both among themselves and with the House of Lords, without coming to any Resolution of gratifying his Majesty or putting him into a Capacity to resist the Scots who now threatned *England* with an Invasion.

The Lord *Brudnell* was introduced into the House of Lords according to the accustomed Solemnity between the Lord *Moubray* and the Lord *Audley*, and placed next the Lord *Harvey*, he had not his Patent in Town, and therefore he presented to the Lord Keeper on the Knee, a *Constat* out of the Rolls, which was delivered to the Clerk certifying that his Patent bore date 26^o Martii Anno 3^o Car. Regis.

This Day Sir *Henry Vane*, Treasurer of the Kings Household, delivered a second Message to the Commons as follows.

WHereas, upon Saturday last his Majesty was pleased to send a Message to this House, desiring you to give a present Answer concerning his Supply, to which as yet his Majesty hath had no other Answer, but that upon this day you will again take it into further consideration: Therefore his Majesty (the better to facilitate your Resolutions) this day hath thought fit to let you know, that of his Grace and Favour he is pleased, upon your granting twelve Subsidies to be presently passed and to be paid in three years, with a proviso, that it shall not determine the Sessions, his Majesty will not only for the present forbear the levying of any Ship-Money, but will give way to the utter abolishing of it, by any course that your selves shall like best.

And for your Grievances, his Majesty will (according to his Royal Promise) give you as much time as may be now, and the next Michaelmas; and he expects a present and positive Answer upon which he may rely, his Affairs being in such a condition as can endure no longer delay.

Upon

1640.

Saturday, May
2.
His Majesties
Message to the
House of Com-
mons.

Munday, May
4.
Lord Brudnel
introduced in-
to the House
of Peers with-
out his Patent,
by virtue of a
Constat out of
the Rolls.

Munday, May
4.

1640.



Tuesday, May 5.

Upon this the House was turned into a grand Committee to consider of his Majesties Message, and the whole day till six at night was spent in canvassing and debating without coming to any resolution further than an Order that Mr. Treasurer should acquaint his Majesty that they intended the next day to proceed in further consideration of it.

His Majesty finding the Parliament thus averse to the matter of Supply, which rather gave encouragement to the *Scotch Covenanters*, than put his Majesty in hopes to be able by Parliamentary assistance to bring them to Obedience, came to the House apparelled in his Royal Robes, and having ascended his Royal Throne, the Lords Spiritual and Temporal sitting in their Robes uncovered, *James Maxwell* Gentleman Usher, came with the Black Rod to let the Commons know that his Majesty was in the Lords House and expected their coming thither with their Speaker; and accordingly they went up to the Lords House, whither being come his Majesty thus spake:

My Lords,

The King's Speech.

T Here can no occasion of my coming to this House be so unpleasing unto me as this at this time. The fear of doing that which I am to do this day, made me not long since come into this House, where I express as well my fears as the remedy which I thought necessary for the eschewing of what is to follow.

I must confess and acknowledge that you my Lords of the higher House did give me so willing an ear, and with such an affection did shew your selves, that certainly I may say, if there had been any means to have given an happy End to this Parliament, you took it, so that it was neither your Lordships fault nor mine, that it is not so. Therefore in the first place I must thank you my Lords for your good endeavours.

My Lords, I hope you remember what the first day of the Parliament my Lord Keeper said to you in my Name, and what likewise he said in the Banquetting House in White-Hall, and what lately I said unto you in this place my self. I name all this unto you, not doubting that you do not well remember it, but to shew you that I never said any thing in way of Favour to my People, but (by the Grace of God) I will punctually and really perform it.

I know that they have insisted very much on Grievances; I will not say but there may be some, though I will confidently affirm, that there are not by many degrees so many as the publick voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of Parliament I shall be as ready (if not more willing) to hear and redress any just Grievances, as in Parliament.

There is one thing much spoken of, I mean as to matters of Religion. Concerning which, albeit I expressed my self fully the last day in this place, yet I think it fit again on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of Religion which I thank God is so well established in the Church of England, and that as well out of, as in Parliament.

My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the House of Commons, I think it is very well known to you all; as likewise how they accepted it,

it, which I desire not to remember, but wish they had remembred, how at first they were told by my Lord Keeper, That delay was the worst kind of denial; yet I will not lay this fault on the whole House of Commons; I will not judge so uncharitably of those whom for the most part I take to be Loyal and well-affected Subjects, but it hath been the malicious cunning of some few seditiously affected men that hath been the cause of this misunderstanding.

I shall now end as I have begun, in giving you thanks for your Affections shewn to me at this time, desiring you to go on and assist me in the maintaining of that Regal Power that is truly mine. As for the Liberty of the People, that they now so much startle at; know my Lords that no King in the World shall be more careful in the Property of their Goods, Liberty of their Persons, and true Religion, than I shall.

And now my Lord Keeper do as I have Commanded you.

The Lord Keeper then added:

My Lords, and you the Gentlemen of the House of Commons, The Kings Majesty doth dissolve this Parliament.

Great were the Hopes and Expectations which all sorts of People had built upon the Success of this Parliament. The Moderate and Loyal hoped, that had the Parliament continued, they might by the great Wisdom and Temper of the House of Lords, and many worthy Gentlemen in the House of Commons been wrought off from their heats to a compliance with his Majesties just desires, and a happy composure of Affairs; the turbulent and factious, though in appearance most displeased and exasperated at it, yet made their advantages, both by their Popular Arts to heighten the Discontents, and assure themselves of a Party; and to throw the Odium of it upon their Enemies.

Many were the Conjectures of People about the Reason of this Surprising Event; some affirmed that his Majesty had private Intelligence that a prevailing Party in the House were dissatisfied with a War with Scotland, and that several oblique reflexions had been made by some leading men, who upon the Debate for Supply said it was fit first to make enquiry into the Causes of the War before they raised money to maintain it. Others attributed it rather to the indiscretion of Sir Henry Vane, or some worse design, who upon the debate when the Question was asked how much Money would Answer the Kings Expectation, demanded Twelve Subsidies, which drew the House into such high debates as made his Majesty despair of any Satisfaction from them. Others will have it that the Marquess Hamilton whose Mother was a most zealous and rigid promoter of the Covenanters, was not the least concerned in giving this fatal Counsel. The Lord Deputy wanted not his share in the representation of the matter to the multitude: but the severity of the storm fell upon his Grace the Lord Archbishop of Canterbury, against whom the Populace was so highly incensed by a Seditious Paper Posted upon the Royal Exchange the Ninth of May following, by one John Lilburne, that upon Munday Night about Twelve of the Clock the Rabble beset his House, and doubtless had made him the Sacrifice of their Rage could they have got him into their Power: but he having Notice of their Intentions provided some Arms and Ammunition, with which they were repulsed without doing or receiving any greater injury than breaking the windows and discharging upon him volies of Curses and opprobrious Language. The next day several of these Seditious

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Several Persons Examined in Council, and Committed to Prison.

ditionous People were Apprehended and Committed to the *White-Lyon* Prison in *Southwark*, but Three days after some of their Confederates got together, broke up the Prison and released them; nevertheless one of the Ring-leaders of the Mutiny was afterwards taken, arraigned, condemned, hanged drawn and quartered upon the 21 of *May* following.

The next day after the Dissolution, the Lord *Brooks* his Study and Pockets were searched for Papers, *Henry Bellasis* Knight of the Shire for the County of *York*, and Sir *John Hotham* were examined in Council concerning some particulars tending to his Majesties Service, and giving no satisfactory Answers, were committed to the Fleet the Eighth of *May* following by Warrant from the Board. *John Crew* Esq; afterwards Lord *Crew*, was also committed to the Tower for refusing to deliver to the Clerk of the Parliament such Petitions and Papers as he had received, to have them forth-coming when required by a Parliament, which the Lords of the Council urged was according to the Practice and Course of all others who had served in the Chair at any Committees in former times.

His Majesty having observed that some of his most Secret Debates in Council had been to his prejudice discovered, granted the following Commission for the discovery of such persons.

Commission to certain of the Lords of the Council to discover
Revealers of Secrets in Council, touching the Dissolving or
Continuing of the Parliament, 27. *May*, 1640.

CHARLES R.

CHARLES by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To Our Right Trusty and Well-beloved Counsellors, John Lord Finch, Lord Keeper of Our Great Seal of England, and William Lord Bishop of London. Lord High Treasurer of England, and to Our Right Trusty, and Right Well-beloved Cousins and Counsellors, Henry Earl of Manchester, Keeper of Our Privy Seal, Robert Earl of Lindsey, Lord High Chamberlain of England, Thomas Earl of Arundel and Surrey, Earl Marshal of England, and to Our Right Trusty and Well-beloved Counsellors Sir Henry Vane, Kt. Treasurer of Our Household, and One of Our Principal Secretaries of State, and Sir Francis Windebank, Kt. another of Our Principal Secretaries of State, Greeting. WHEREAS during the late Convention of Parliament, upon some Emergent Occasions of State, We thought fit to Propose to Our Privy Council, some Private and Secret Matters of Council, and Adviseement to be debated by them, touching Our Continuing or Dissolving of the same Parliament, which we now find were revealed and disclosed, but by what ways or means, is not yet manifested to Us: KNOW YE, That to the end it may appear to Us, by what ways or means, and by whom, and unto whom Our said Councils have been so disclosed, We out of Our special Confidence in your Wilsoms, and Fidelities, have Assigned and Appointed, and do hereby Assign and Appoint you to be Our Commissioners, And do Grant unto you or any or more of you, full Power and Authority, to Enquire

quire, Examine and Find out, as well by Depositions of Witnesses upon Oath, as by all such other Ways and Means, as you shall think meet, by whom, or whose Means it came to be revealed what was Created, Debated, Advised, or Voted by Us, or Our Privy Council, or any of them, at any time during the said late Convention of Parliament, touching Our Dissolving or Continuing of the same: And to whom, and what Person or Persons the same was so revealed, and at what time or times, and of all other Matters and Circumstances, that may any ways Conduce to the Discovery of the Truth in the Premises. And of your proceeding herein you are to Certifie us with all convenient Speed, and these Presents, or the Inrollment thereof, shall be your Warrant and Discharge for the Execution of the Premises according to Our Pleasure herein declared. In Witness, &c.

Ex. J O. B A N K S, C.

Sometime after his Majesty issued out a Declaration shewing the Reasons and Causes which moved him to dissolve the Parliament, as followeth.

His Majesties Declaration to all his Loving Subjects, of the Causes which moved him to dissolve the last Parliament.

THE King's most Excellent Majesty well knoweth, that the calling, adjourning, proroguing and dissolving of Parliaments, are undoubted prerogatives inseparably annexed to his Imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other Regal Actions.

Nevertheless his Majesty (whose Piety and Goodness have made him ever so order and govern all things) that the clearness and candor of his Royal Heart may appear to all his Subjects, especially in those great and publick matters of State, that have relation to the Weal and Safety of his People, and the Honour of his Royal Person and Government, hath thought fit (for avoiding and preventing all sinister constructions and misinterpretation, which the malice of some ill-affected persons to his Crown and Sovereignty, hath or may practise to infuse into the Minds and Ears of his good and faithful Subjects,) to set down by way of Declaration, the true causes as well of his assembling as of his dissolving the late Parliament.

It is not unknown to most of his Majesties loving Subjects, what Discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower House in preceding Assemblies of Parliaments, enough to have made him averse to those ancient and accustomed ways of calling his People together; when instead of dutiful expressions towards his Person and Government, they vented their own malice and disaffections to the State, and by their subtil and malignant courses endeavoured nothing more than to bring into contempt and disorder all Government and Magistracy,

Yet his Majesty well considering that but few were guilty of that seditious and undutiful behaviour, and hoping that Time and Experience had made his loving Subjects sensible of the distemper the whole Kingdom

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was like to be put into by the ill-governed actions of those men ; And his Majesty being over-desirous to tread in the steps of his most Noble Progenitors, was pleased to issue forth his Writs under the Great Seal of *England* for a Parliament, to be holden the Thirteenth day of *April* last. At which day his Majesty by the Lord Keeper. of his Great Seal, was graciously pleased to let both Houses of Parliament know how desirous he was, That all his People would unite their hearts and affections in the execution of those Counsels that might tend to the Honour of his Majesty, the safety of his Kingdoms, and the good and preservation of all his People. And withal how confident he was that they would not be failing in their Duties and Affections to him and to the publick.

He laid open to them the manifest and apparent mischiefs threatened to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the *Scottish* Nation, who had by their Examples drawn many of his Subjects there into a course of disloyalty and disobedience, not fit for his Majesty in Honour, Safety, or Wisdom to endure.

How (to strengthen themselves in their disloyal Courses) they had adrest themselves to Foreign States, and treated with them to deliver themselves up to their Protection and Defence, as was made apparent under the hands of the Prime Ringleaders of that Rebellious Faction.

These courses of theirs tending so much to the ruin and overthrow of this Famous Monarchy, united by the descent of the Crown of *England* upon his Majesty and his Father of blessed memory : his Majesty (in his great wisdom, and in discharge of the Trust reposed in him by God, and by the Fundamental Laws of both Kingdoms, for the Protection and Government of them) resolved to suppress, and thereby to vindicate that Sovereign Power intrusted to him.

He had by the last Summers tryal found that his Grace and Goodness was abused, and that contrary to his expectation, and their faithful promises they had (since his being at *Berwick*, and the pacification there made) pursued their former rebellious designs: And therefore it was necessary now for his Majesty by power to reduce them, to the just and modest condition of their obedience and subjection, which when ever they should be brought unto, or seeing their own Errours should put themselves into a way of humility and obedience becoming them, his Majesty should need no other Mediator for Clemency and Mercy to them, than his own Piety and Goodness, and the tender affection he hath ever born to that his native Kingdom.

This being of so great weight and consequence to the whole Kingdom, and the charge of an Army fit to master such a business amounting to such a Sum as his Majesty hath no means to raise, having not only emptied his own Coffers, but issued between three and four thousand pounds which he borrowed of his Servants upon Security out of his own Estate, to provide such things as were necessary to begin such an Action with; his Majesty after the Example of his Predecessors, resorted to his People in their representative Body, the Parliament, whom he desired (with all the Expressions of grace and goodness which could possibly come from him) that taking into serious and dutiful consideration the nature of these bleeding evils, and how dangerous it was to lose the least minute of time, lest thereby those of *Scotland* should gain the opportunity to frame their Parties with Foreign States; that they would for a while lay aside all other Debates, and pass an Act for the speedy payment of so many Subsidies, as might enable his Majesty to put in readiness for this Summers Expedition.

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those things which were to be prepared before so great an Army could be brought into the Field. 1640.

For further Supply necessary for so great an undertaking his Majesty Declared, That he expected it not till there might be a happy conclusion of that Session, and till their just grievances might be first graciously heard and relieved.

Wherein as his Majesty would most willingly have given them the precedence before matter of Supply, if the great necessity of his occasions could have permitted; so he was graciously pleased for their full assurance and satisfaction therein to give them his Royal Word, that without determining the Session (upon granting of the Subsidies) he would give them before they parted as much time as the season of the year and the great affairs in hand would permit, for considering all such Petitions as they conceived to be good for the Common-Wealth, and what they would not now finish, they should have full time to perfect towards Winter: His Majesty graciously assuring them, that he would go along with them for their Advantage, through all the expressions of a gracious and pious King, to the end there might be such a happy conclusion of that as might be the cause of many more meetings with them in Parliament.

From their first Assembling untill the 21th of *April*, the House of Commons did nothing that could give his Majesty any content or confidence in their speedy supplying of him: Whereupon he commanded both the Houses to attend him in the *Banqueting-House* at *White-Hall* in the afternoon of that 21. of *April*, where (by the Lord Keeper) his Majesty put them in mind of the End for which they were Assembled, which was for his Majesties Supplies; That if it were not speedy it would be of no use unto him, part of the Army then marching at the Charge of above a hundred thousand pounds a month; which would all be lost if his Majesty were not presently supplied, so as it was not possible to be longer forborn.

Yet his Majesty then exprest that the supply he for the present desired was only to enable him to go on with his Designs for three or four months, and that he expected no further supply till all their just grievances were relieved.

And because his Majesty had taken Notice of some mis-apprehensions about the levying of *Ship-Money*, his Majesty commanded the Lord Keeper to let them know that he never had any intention to make any Revenue of it, nor had ever made any, but that all the money collected had been paid to the Treasury of the Navy and by him expended, besides great sums of money every year out of his Majesties own Purse.

That his Majesty had once resolved this year to have levied none, but that he was forced to alter his Resolution, in regard he was of necessity to send an Army for reducing those of *Scotland*, during which time it was requisite the Seas should be well guarded.

And besides, his Majesty had knowledge of the great Fleets prepared by all Neighbouring Princes this year, and of the insolencies committed by those of *Algiers*, with the store of Ships they had in readiness.

And therefore though his Majesty for this present year could not forbear it, but expected their concurrence in the levying of it, yet for the future to give all his Subjects assurance, how Just and Royal his Intentions were, and that all his Aim was, but to live like their King, able to defend himself and them; to be useful to his Friends, and considerable to his Enemies, to maintain the Sovereignty of the Seas, and so make the Kingdom flourish in Trade and Commerce: He was graciously pleased to let

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them know, that the ordinary Revenue now taken by the Crown, could not serve the turn: and therefore that it must be by *Ship-Money*, or some other way, wherein he was willing to leave it to their considerations, what better course to find out, and to settle it how they would (so the thing were done) which so much imported the honour and safety of the Kingdom.

And his Majesty for his part, would most readily and chearfully grant any thing they could desire, for securing them in the Propriety of their Goods and Estates, and in the Liberty of their Persons. His Majesty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cause of the Kings delighting to meet with his people, and his people with him.

That there was no such way to effect this, as by putting Obligations of trust and confidence upon him, which as it was the way of good manners with a King, so it was a surer and safer course for themselves, than any that their own Jealousies and Fears could invent; his Majesty being a Prince that deserved their trust, and could not lose the honour of it; and a Prince of such a gracious nature, that disdained his People should overcome him by kindness.

He had made this good to some other Subjects of his; and if they followed his Counsel, they should be sure not to repent it, being the People that were nearest and dearest unto him, and Subjects whom he did and had reason to value more, than the Subjects of any his other Kingdoms.

His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next day taken into consideration the matter of Supply, and laid aside all other debates, till that was resolved of, according to his desire.

But instead of giving an Answer therein, such as the pressing and urgent occasions required, they fell into Discourses and Debates about their pretended Grievances, and raised up so many and of so several Natures, that in a Parliamentary way they could not but spend more time, than his Majesties great and weighty Affairs could possibly afford.

His Majesty foreseeing in his great Wisdom, that they were not in the way to make this a happy Parliament (which he so much desired and hoped) that nothing might be wanting on his part, to bring them into the right way, for his honour, the safety of the Kingdom, and their own good, he resolved to desire the Assistance of the Lords of the higher House, as Persons in Rank and Degree nearest to the Royal Throne, and who having received Honour from him and his Royal Progenitors, he doubted not would for those and many other reasons, be moved in Honour and Dutiful Affection to his Person and Crown, to dispose the House of Commons to express their Duties to his Majesty, in expediting the matter of Supply for which they were called together, and which required so present a Dispatch.

For this purpose, his Majesty in his Royal Person came again to the Lords House on *Wednesday* the twenty fourth day of *April*, where himself declared to the Lords the cause of his coming, which was to put them in mind of what had been by the Lord Keeper in his Name delivered to both the Houses the first day of the Parliament, and after at *White-Hall*: how contrary to his Expectation, the House of Commons having held consultation of matter of Religion, Property of Goods, and Liberty of Parliament, and Voted some things concerning those three Heads, had thereby given them the precedence before the matter of his Supply. That

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his necessities were such, they could not bear delay; That whatever he had by the Lord Keeper promised, he would perform, if the House of Commons would trust him.

For Religion, that his Heart and Conscience went together with the Religion Established in the Church of *England*: and he would give order to his Arch-Bishops and Bishops, that no innovation in matter of Religion should creep in.

For the *Ship-Money*, That he never made, nor intended to make any profit to himself of it, but only to preserve the Dominion of the Seas; which was so necessary, that without it the Kingdom could not subsist. But for the way and means by *Ship-Money* or otherwise, he left it to them,

For *Property of Goods*, and *Liberty of Parliament*, he ever intended his people should enjoy them; holding no King so great, as he that was King of a Rich and Free People; and if they had not Property of Goods and Liberty of Persons, they would be neither Rich nor Free.

That, if the House of Commons would not first trust him, all his Affairs would be disordered and his Business lost. That though they trusted him in part at first, yet before the Parliament ended, he must totally trust them; and in conclusion, they must for Execution of all things, wholly trust him.

Therefore since the matter was no more, than who should be first trusted; and that the trust of him first, was but a trust in part, his Majesty desired the Lords to take into their considerations, his and their own Honour, the Safety and Welfare of this Kingdom, with the great danger it was in, and that they would by their Advice dispose the House of Commons, to give his Supply the Precedence before the Grievances.

His Majesty being departed, the Lords took into serious consideration what his Majesty had commended to their Care, and forthwith laying aside all other Debates (such was their Lordships Dutiful and Affectionate Carriage, they well remembring what had been formerly declared in his Majesties Name to both Houses, his Majesties gracious promises and expressions then and at this time, with the pressing and urgent occasions which so much imported the honour of his Majesty, and the good of this Kingdom) their Lordships delivered their Votes in these words:

We are of Opinion, That the matter of his Majesties Supply should have precedence and be Resolved of, before any other matter whatsoever. And we think fit, there shall be a Conference desired with the House of Commons, to dispose them thereunto.

Accordingly the next day being *Saturday* the twenty fifth day of *April*, a Conference was had in the *Painted Chamber* by a Committee of both Houses, where the Lord Keeper (by the Lords Command) told the House of Commons of his Majesties being the day before in Person in the higher House, how graciously he had exprest himself in matter of Religion, Property of Goods, and Liberty of Parliament; and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the effect of what else had been graciously delivered unto them by his Majesty, as well touching his constant Zeal and Affection to the Religion Establishd in the Church of *England*, as touching the *Ship-Money*.

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The rest of the Declaration containing the Procedures of the Parliament, being before fully recited, the Reader is referred to them for Satisfaction and to avoid Tautology.

That which follows in the Declaration after the Discourse concerning these Passages, is as follows.

By all the proceedings herein declared, it is evident to all men, how willing and desirous his Majesty hath been, to make use of the antient and noble way of Parliaments used and instituted by his Royal Predecessors, for the preservation and honour of this famous Monarchy: And that on his Majesties part nothing was wanting, that could be expected from a King whereby this Parliament might have had a happy Conclusion, for the comfort and content of his Majesties Subjects, and for the good and safety of this Kingdom.

On the contrary it is apparent, how those of the House of Commons, (whose sinister and malicious courses enforced his Majesty to dissolve this Parliament) have vitiated and abused that antient and noble way of Parliament, perverting the same to their own unworthy Ends, and forgetting the true Use and Institution of Parliaments.

For whereas, these Meetings and Assemblies of his Majesty with the Peers and Commons of this Realm, were in their first Original, and in the practice of all succeeding Ages, ordained and held as Pledges and Testimonies of Affection between the King and his People; the King for his part graciously hearing and redressing such Grievances, as his People in humble and dutiful manner should represent unto him; and the Subjects on their part, (as Testimonies of their Duty) supplying his Majesty upon all extraordinary occasions for support of his Honour and Sovereignty, and for preserving the Kingdom in Glory and Safety.

Those ill-affected Members of the House of Commons, instead of an humble and dutiful way of presenting their Grievances to his Majesty, have taken upon them to be the Guiders and Directors in all matters that concern his Majesties Government, both Temporal and Ecclesiastical: and (as if Kings were bound to give an Account of their Regal Actions, and of their manner of Government to their Subjects assembled in Parliament) they have in a very audacious and insolent way, entred into examination and censuring of the present Government, traduced his Majesties Administration of Justice, rendred as much as in them lay, odious to the rest of his Majesties Subjects, not only the Officers and Ministers of State, but even his Majesties very Government, which hath been so just and gracious, that never did this, or any other Nation enjoy more blessings and happiness, than hath been by all his Majesties Subjects enjoyed ever since his Majesties Access to the Crown: nor did this Kingdom ever so flourish in Trade and Commerce, as at this present, or partake of more peace and plenty in all kinds whatsoever.

And whereas, the Ordinary Revenues of the Crown not sufficing to defray extraordinary charges, it hath ever been the usage in all Parliaments, to aid and assist the Kings of this Realm with free and fitting Supply, towards the maintenance of their Wars, and for making good their Royal undertakings; whereby the Kingdom intrusted to their protection, might be held upon in Splendor and Greatness.

These ill-affected persons of the House of Commons, have been so far from treading in the steps of their Ancestors by their Dutiful expressions in this kind, that contrarily they have introduced a way of bargaining and

and contracting with the King; as if nothing ought to be given him by them, but what he should buy and purchase of them, either by quitting somewhat of his Royal Prerogative, or by diminishing and lessening his Revenues; which courses of theirs, how repugnant they are to the Duty of Subjects, how unfit for his Majesty in honour to permit and suffer, and what hazard and dishonour they subject this Kingdom to, all men may easily judge, that will but equally and impartially weigh them.

His Majesty hath been by this means reduced to such straits and extremities, that were not his Care of the Publick Good and Safety the greater, these men (as much as in them lyes) would quickly bring ruine and confusion to the State, and render contemptible this glorious Monarchy.

But this frowardness and undutiful behaviour of theirs, cannot lessen his Majesties Care of preserving the Kingdoms entrusted to his Protection and Government, nor his gracious and tender Affection to his People, for whose good and comfort his Majesty by Gods gracious assistance will so provide, that all his loving Subjects may still enjoy the happiness of living under the blessed shade and protection of his Royal Scepter.

In the mean time, to the end all his Majesties loving Subjects may know, how graciously his Majesty is inclined to hear and redress all the just Grievances of his people as well out of Parliament as in Parliament, his Majesty doth hereby further declare his Royal Will and Pleasure, that all his loving Subjects who have any just cause to present, or complain of any Grievances or Oppressions, may freely address themselves by their humble Petitions to his Sacred Majesty, who will graciously hear their Complaints, and give such fitting Redress therein, that all his People shall have just cause to acknowledge his Grace and Goodness towards them: and to be fully satisfied, that no Persons or Assemblies can more prevail with his Majesty, than the Piety and Justice of his own Royal Nature, and the tender affection he doth and shall ever bear to all his People and loving Subjects.

BEfore we proceed to the further prosecution of the Affairs of the Camp, for the Satisfaction of some Readers it will not be inconvenient to give an Account of the Convocation which began with this Parliament, but continued sitting several days after by Virtue of his Majesties Writ. The Acts and Proceedings of which Synod being the Occasion of much after-busines, I have therefore set it down more at large, together with the Form and Manner of the Proceedings in Convocation.

An Account of the Persons of whom the Convocation consisted, which was Summoned to Sit by virtue of the King's Writ, April the 14th. 1640. for the Province of Canterbury.

The Most Reverend Father in God,
William Lord Archbishop of *Canterbury*, Primate and Metropolitan of all *England*.

William Lord Bishop of *London*.

Walter Lord Bishop of *Winchester*.

John Lord Bishop of *Worcester*, appeared by the Bishops of *London* and *Hereford* his Proxies.

John Lord Bishop of *Salisbury*.

Robert Lord Bishop of *Lichfield* and *Coventry*.

Godfrey Lord Bishop of *Gloucester*.

Joseph Lord Bishop of *Exceter*.

Richard Lord Bishop of *Norwich*.

John Lord Bishop of *St. Asaph*.

William Lord Bishop of *Bath* and *Wells*.

John

1640.

John Lord Bishop of Oxford.
 George Lord Bishop of Hereford.
 Matthew Lord Bishop of Ely.
 Roger Lord Bishop of Saint Davids,
 appeared by Proxie.
 Robert Lord Bishop of Bristol.

William Lord Bishop of Bangor.
 John Lord Bishop of Rochester.
 Brian Lord Bishop of Chichester.
 John Lord Bishop of Peterburgh.
 Morgan Lord Bishop of Landaffe.

The Names of the Lower House of the Convocation.

Canterbury.

Isaak Bargrave D. D. Dean of
 Canterbury.
 William Bray D. D. Procurator for
 the Chapter.
 William Kingsley D. D. Archdeacon
 of Canterbury.
 John Oliver D. D. }
 John Swinnock D. D. } *Procur. Cleri.*

James Halscy D. D. Procurator for
 the Chapter.
 Edward Busby D. D. Archdeacon of
 Winchester.
 George Hackwell D. D. Archdeacon
 of Surry appeared by his Proxy
 Dr. Wynniff Dean of St. Pauls.
 Thomas Turner D. D. }
 * Benjamin Lany D. D. } *Proc. Cleri.*

* Afterwards
 Bishop of Lin-
 coln, and from
 thence Tran-
 slated to Ely.

London.

Thomas Wynnys D. D. Dean of St.
 Pauls.
 John Mountfort D. D. Procurator for
 the Chapter.
 Thomas Pask D. D. Archdeacon of
 London.
 Edward Layfield D. D. Archdeacon
 of Essex.
 Richard Cluet D. D. Archdeacon of
 Middlesex.
 Henry King D. D. Archdeacon of
 Colchester.
 Thomas Westfield D. D. Archdeacon
 of St. Albans.
 Samuel Baker D. D. }
 Thomas Wykes D. D. } *Procura. Cleri.*

Worcester.

Christopher Potter D. D. Dean of
 Worcester.
 William Smith D. D. Procurator for
 the Chapter.
 Edward Thornbury D. D. Archdeacon
 of Worcester.
 Giles Thornbury A. M. }
 Tho. Warmstreg A. M. } *Proc. Cleri.*

Lincoln.

Anthony Topham D. D. Dean of Lin-
 coln.
 Robert Meres D. D. Procurator for
 the Chapter.
 Morgan Wynn D. D. Archdeacon of
 Lincoln.
 Nicholas Walker D. D. Archdeacon
 of Stow.
 Robert Newel D. D. Archdeacon of
 Buckingham.
 William Warr D. D. Archdeacon
 of Leicester.
 Richard Oldsworth D. D. Archdeacon
 of Huntington.
 John Hacket D. D. Archdeacon of
 Bedford.
 Sir John Lamb LL. D. }
 Thomas Hurst A. M. } *Procu. Cleri.*

Westminster.

Robert Newel D. D. Subdean of
 Westminster, the Dean being Sus-
 pended.
 Peter Heylin D. D. Procurator for
 the Chapter.
 Thomas Wilson D. D. Archdeacon of
 Westminster.

Winchester.

John Young D. D. Dean of Win-
 chester.

Salisbury,

Salisbury.

Richard Baily D. D. Dean of Salisbury.

William Chillingworth A. M. Procurator for the Chapter.

Thomas Marler B. D. Archdeacon of Salisbury.

John Reeves LL. B. Archdeacon of Berks.

Thomas Leche A. M. Archdeacon of Wilts.

Thomas Chaffin D. D. } Procur. Cleri.
John Littleton D. D. }

Windsor.

Christopher Wren D. D. Dean of Windsor.

Lichfield and Coventry.

Griffin Higgs D. D. Dean of Lichfield.

William Higgins A. M. Procurator for the Chapter.

* Ralph Brownrigg D. D. Archdeacon of Coventry.

Samuel Clerk D. D. Archdeacon of Derby.

William Jefferies D. D. Archdeacon of Salop.

Mr. Martin Tinley A. M. Archdeacon of Stafford, appeared by proxy of Sir John Lamb, and Dr. Brownrigg.

John Arneway A. M. } Procur. Cleri.
James Fleetwood A. M. }

Woolverhampton.

Christopher Wren D. D. Dean of the Collegiate Church of Woolverhampton.

Robert Dove D. D. Procurator for the Chapter.

Gloucester.

† Acceptus Frewen D. D. Dean of Gloucester, appeared by Proxy of Dr. Baily and Dr. Jackson Dean of Peterburgh.

* Gilbert Sheldon D. D. Procurator for the Chapter.

Hugh Robinson D. D. Archdeacon of Gloucester.

Francis Baber LL. D. }
Thomas Temple LL. Dean } Pro. Cler.
and Presbyter. }

Exceter.

William Peterson D. D. Dean of Exceter.

William Cotton A. M. Procurator for the Chapter.

Aaron Wilson D. D. Archdeacon of Exceter.

Robert Hall A. M. Archdeacon of Cornwall.

Edward Cotton A. M. Archdeacon of Totton.

William Heliar A. M. Archdeacon of Barnstable.

William Cotton A. M. } Procu. Cleri.
Robert Dove B. D. }

Norwich.

John Hasel D. D. Dean of Norwich.

Fulk Roberts B. D. Procurator for the Chapter.

Andrew Bing D. D. Archdeacon of Norwich.

Robert White B. D. Archdeacon of Norfolk.

Theophilus Kent A. M. Archdeacon of Sudbury.

Robert Bostock D. D. Archdeacon of Suffolk.

Edward Franklin D. D. } Proc. Cleri.
Lawrence Britton B. D. }

St. Asaph.

Andrew Maurice A. M. Dean of St. Asaph.

Lewis Hughs A. M. Procurator for the Chapter.

The Reverend Father in God John Lord Bishop of St. Asaph, Archdeacon of St. Asaph in Commendum.

George Griffith D. D. } Procura. Cleri.
Edward Powel A. M. }

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Bath

I 6 4 0.

† Afterwards Bishop of London, and from thence translated to the See of Canterbury.

* Afterwards Bishop of Exceter.

* Afterwards Archbishop of York.

1640.

Bath and Wells.

George Warburton D. D. Dean of *Bath and Wells* appeared by Dr. *Samuel Baker* his Proxy.

Sebastian Smith B. D. Procurator for the Chapter.

Gerrard Wood D. D. Archdeacon of *Wells*.

William Peirs A. M. Archdeacon of *Bath*.

Samuel Ward D. D. Archdeacon of *Taunton*.

Edward Kellet D. D. } *Procur. Cleri.*
Henry Anchetill A. M. }

Oxford.

* Afterwards
Bishop of Ox-
ford.

* *Samuel Fell* D. D. Dean.

George Aglianby D. D. Procurator for the Chapter.

Barten Holiday A. M. Archdeacon of *Oxon*.

Thomas Walker D. D. } *Proc. Cleri.*
Edward Fullham A. M. }

† Afterwards
Bishop of Bri-
stol.

Hereford.

Jonathan Brown LL. D. Dean of *Hereford*.

* *William Skynner* LL. D. Procura-
tor for the Chapter.

John Hughes D. D. Archdeacon of *Hereford*.

Morgan Godwyn LL. D. Archdeacon of *Salop*.

William Sherburn D. D. } *Proc. Cleri.*
 † *Peter Meuse* B. D. }

† Afterwards
Bishop of Bath
and Wells.

Eliens.

William Fuller D. D. Dean of *Ely*.

Daniel Wignmore Clerk, Procurator for the Chapter.

Idem B. D. Archdeacon of *Ely*.

Edw. Martin D. D. } *Procura. Cleri.*
Thomas Wilson D. D. }

St. Davids.

Griffin Higgs D. D. Precentor of the Cathedral of *St. Davids*.

William Heywood D. D. Procurator for the Chapter.

Robert Rudd B. D. Archdeacon of *St. Davids*, appeared by proxy of *Evan Owens* B. D.

William Beely B. D. Archdeacon of *Carmarthen*.

Isaack Singleton B. D. Archdeacon of *Breconock* appeared by proxy of Dr. *King*, Dr. *Turner*, and Mr. *Wykes*.

Thomas Brand A. M. Archdeacon of *Cardigan*.

Evan Owens B. D. } *Procu. Cleri.*
Will. Edwards A. M. }

Bristol.

Matthew Nicholas LL. D. Dean of *Bristol*.

John Weeks B. D. Procurator for the Chapter.

Richard Fitzherbert M. A. Archdeacon of *Dorset*.

† *Gilbert Ironside* B. D. } *Proc. Cleri.*
Thomas Fuller B. D. }

Bangor.

Griffin Williams D. D. Dean of *Bangor*.

John Griffith A. M. Procurator for the Chapter.

William Mostlyn A. M. Archdeacon of *Bangor*.

The Reverend Father in God *William* Bishop of *Bangor*, Archdeacon of *Anglesey* in *Commendum*.

Robert White D. D. Archdeacon of *Merioneth*.

David Lloid LL. D. } *Procura. Cleri.*
Robert Morgan D. D. }

Rocheſter.

Henry King D. D. Dean of *Rocheſter*.

John Larkin A. M. Procurator for the Chapter.

Elizeus Burgeſs B. D. Archdeacon of *Rocheſter*.

Henry Hamond D. D. } *Proc. Cleri.*
Richard Chafe B. D. }

Richard

Chichester.

Richard Steward LL. D. Dean of Chichester.

William Paul D. D. Procurator for the Chapter.

James Marsh D. D. Archdeacon of Chichester.

William Hutchinson D. D. Archdeacon of Lewes.

Granada Chester D. D. } Proc. Cleri.
Stephen Goffe D. D. }

Peterborough.

Thomas Jackson D. D. Dean of Peterborough.

John Pocklington D. D. Procurator for the Chapter.

John Quarles A. M. Archdeacon of Northampton.

Thomas Heath LL. D. } Proc. Cleri.
William Beal D. D. }

Landaff.

Thomas Prichard D. D. Archdeacon of Landaff, appeared by proxy of Dr. Hugh LLoyd.

Francis Mansell D. D. Procurator for the Chapter.

Hugh LLoyd D. D. } Proc. Cleri.
Francis Davies A. M. }

The Archbishop's Mandate to the Bishop of London for Summoning the Members of the Convocation.

Guilielmus Providentia Divina Cant. Archiepiscopus totius Angliæ Primas & Metropolitanus. Venerabili Confratri nostro Domino Guilielmo eadem Providentia London. Episcopo, summo Angliæ Thesaurario, Salutem & Fraternali in Domino Charitatem. Breve Illustrissimi in Christo Principis & Domini nostri CAROLI Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defensoris, &c. Nobis inscriptum & directum nuper cum ea qua decuit reverentia, observantia & subjectione humiliter recepimus in hæc verba. CAROLUS Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defensor, &c. Reverendissimo in Christo Patri ac Fideli Consiliario nostro Guilielmo eadem Gratia Cant. Archiepiscopo totius Angliæ Primati & Metropolitanò Salutem. Quibusdam arduis & urgentibus negotiis Nos Securitatem & Defensionem Ecclesiæ Anglicanæ ac pacem & tranquillitatem, bonum publicum & defensionem Regni nostri & subditorum nostrorum ejusdem concernentibus, Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus premissis debito intuitu attentis & ponderatis, universos & singulos Episcopos vestræ Provinciæ ac Decanos Ecclesiarum Cathedralium, necnon Archidiaconos, Capitula & Collegia totumque Clerum cujuslibet Dioceseos ejusdem Provinciæ, ad comparandum coram vobis in Ecclesia Cathedrali Sancti Pauli London. decimo quarto die mensis Aprilis proxime futuri vel alibi prout melius expedire videatis cum omni celeritate accommodata modo debito convocari faciatis, ad tractandum, consentiendum & concludendum super premissis & aliis que sibi clarius exponentur tunc ibidem ex parte nostra. Et hoc sicut nos & statum Regni nostri & honorem & utilitatem Ecclesiæ predictæ diligitis nullatenus omitatis. Teste me ipso apud Westm. vicesimo die Februarii Anno Regni nostri decimo quinto. Quocirca fraternitati vestræ committimus & mandamus quatenus omnes & singulos Coepiscopos Ecclesiæ nostræ Christi Cant. Suffraganeos infra præfatam Provinciam nostram Cantuariensem constitutos peremptoriè citetis, ac per eos Decanos Ecclesiarum Cathedralium & Collegiatarum & singula Capitula earundem Archidiaconosq; & ceteros Ecclesiarum Prelatos Ex-

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emptos & non Exemptos, Clerumq; cujuslibet Dioc. Provinciæ nostræ antedictæ peremptoriè citari & premoneri volumus & mandamus, Quod iidem Episcopi, Decani, Archidiaconi & ceteri Ecclesiarum Prelati Exempti & non Exempti personaliter & quodlibet Capitulum Ecclesiarum Cathedralium & Collegiatarum per unum, Clerusque cujuslibet Dioc. Provinciæ nostræ antedictæ per duos sufficientes Procuratores compareant coram nobis aut nostro in hac parte locum tenente sive Commissario (si nos impediri contigerit) in Domo Capitulari Ecclesiæ Cathedralis Sancti Pauli London, decimo quarto die mensis Aprilis prox. futuro post datum presentium cum continuatione & prorogatione dierum extunc sequentium & locorum (si oporteat) fiend. ad tractandum super arduis & urgentibus negotiis statum & utilitatem, bonum Publicum & defensionem Regni Angliæ & subditorum ejusdem concernentibus, ipsis tunc & ibidem serius exponend. suaque sana consilia & auxilia super eis impensur. ac hiis quæ ibidem ex deliberationem communi ad honorem Dei & Ecclesiæ utilitatem salubriter ordinari & statui contigerit consensur. ulteriusque factur. & receptur. quod justum fuerit ut hujusmodi Negotii natura & qualitas de se exigunt & requirunt. Vos autem Venerabilis Confrater noster dictum Mandatum quatenus vos & Capitulum Ecclesiæ vestræ Cathedralis ac Civitatem & Dioc. London concernit exequi per omnia faciatis & eidem pareatis in omnibus cum Effectu. Præterea tenore presentium vos citamus quatenus eisdem die & loco coram nobis aut nostro in hac parte locum-tenente sive Commissario uno vel pluribus unâ cum aliis Venerabilibus Confratribus nostris dictæ Provinciæ nostræ Cant. Coepiscopis compareatis super hujusmodi negotiis (ut premittitur) tractatur. necnon factur. & receptur. quod ad vestram paternitatem attinet, prout superius continetur. Volumus insuper & mandamus quatenus intimetis & denunciatis seu intimari & denunciari faciatis dictæ Provinciæ nostræ Cant. Coepiscopis, Decanis, Archidiaconis & ceteris Ecclesiarum Prelatis superscriptis; Quod eos à personali comparitione in hujusmodi negotio Convocationis & Congregationis dictis die & loco (ut premittitur) Divina favente clementia celebrando excusatos non habere intendimus ista vice nisi ex causa necessaria tunc & ibidem allegand. & proponend. & per nos approband. sed contumacias eorum qui absentes fuerint Canonice punire. Et præterea vobis ut supra injungimus & mandamus quod omnibus & singulis Coepiscopis Suffraganeis Provinciæ nostræ Cant. predictæ injungatis seu faciatis injungi ut singuli eorum sigillatim de facto suo quatenus pertinet ad eosdem Nos seu locum-tenentem sive Commissarium nostrum unum vel plures dictis die & loco per literas eorum patentes nomina & cognomina omnium & singulorum per eos respective citatorum continentes distinctè certificet & aperte de die vero receptionis presentium. Et quod in premissis feceritis Nos aut nostrum Commissarium hujusmodi dictis die & loco debite certificari curetis per literas vestras Patentes. Harum seriem una cum nominibus omnium & singulorum Episcoporum Provinciæ nostræ Cant. Decanorum, Archidiaconorum & ceterorum Prelatorum vestræ Dioc. in separata Scheda literis Certificatoriis annectend. complectent. Datum in Manerio nostro de Lambeth vicesimo secundo die mensis Febr. Anno Domini juxta computationem Ecclesiæ Anglicanæ millesimo sexcentesimo tricesimo nono, & nostræ Translationis, Anno Septimo.

The First Session, April 14.

UPon Wednesday the 14th of April, 1640. in the 16th Year of the Reign of our Sovereign Lord CHARLES by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. The

The most Reverend Father in God *William* by Divine Providence Lord Archbishop of *Canterbury*, Primate and Metropolitan of all *England*, between Eight and Nine of the Clock in the Morning came in his Barge from *Lambeth*, and landed at *Pauls-Wharf*, where being received by the Advocates, Proctors, and other Officers of the Court of the *Arches*, he was in his Coach attended by them to the Palace of the Bishop of *London*. Where after some little stay, being habited in his Archiepiscopal Robes, he was attended by the Officers of the said Court to the *North-Door* of the Cathedral of *S. Pauls*, where he was received by the Reverend *Tho. Wyniff*, Dean, D D. *Henry King* and *John Mountfort*, D. D. Canonical Residentiaries of the said Cathedral, together with the Officers & Quire of the said Church in their Surplices, who attended him to the Quire, where entering at the *West-Door* accompanied with the Bishops his Suffragans of the Province of *Canterbury* in their Episcopal Habits, he was placed in the Deans Stall, the rest of the Bishops on each side in the Stalls of the Prebendaries. Then the Quire having Sung the Hymn *Te Deum Laudamus* in *English*, the Reverend *Thomas Turner*, D. D. Canon Residentiary of *S. Pauls*, ascending a Pulpit placed in the middle of the Quire made an Elegant Sermon in *Latin* to the Fathers and Clergy, his Text being taken out of the Tenth Chapter of the Gospel of *S. Matthew*, Ver. 16. viz. *Behold I send you out as Sheep among Wolves, be ye therefore wise as Serpents, and innocent as Doves.* The Sermon being ended the Quire Sung the Hymn, *O Lord make thy Servant Charles, &c.* After which the most Reverend Father in God *William* Archbishop of *Canterbury* went to the Chapter-House of the said Cathedral, together with the rest of the Bishops and Clergy of the Province of *Canterbury*, where he with the rest of the Bishops his Suffragans being Seated, after the Reading of the Kings Writ of Summons, directed to the said Archbishop by *Sackville Wade*, a Publick Notary, the Reverend Father in God *William* Bishop of *London*, Lord High Treasurer of *England* Exhibited and presented a Certificate concerning the Execution of the said Mandate of Citation.

Then the Archbishop's Grace in a *Latin* Speech, recommended to the Lower House of the Convocation, the Choice of a Grave and Learned Man according to Custom, to be their Prolocutor, and the Person so Chosen to be presented to his Grace or his Commissary, upon *Friday* the Seventeenth of *April*, between the Hours of Nine and Eleven in the Forenoon, in the Chappel of King *Henry* the Seventh in the Collegiate Church of *S. Peter* in *Westminster*. Upon which the Clergy being dismissed went to the said Chappel to make the said Choice, who accordingly Chose *Richard Steward* LL. D. Dean of *Chichester*, for their Prolocutor, and *Gilbert Sheldon* D. D. Master of *All-Souls* Colledge in *Oxford* to present the said Prolocutor.

Then the Archbishop pronounced the several Deans, Archdeacons, Procurators of the Chapters and Clergy, who had not appeared according to Summons to assist at the Sacred Synod or Convocation Guilty of Contumacy, but deferred the penalties till the Seventeenth of *April*.

After which by a Schedule then read the said Most Reverend Father in God the Archbishop, did continue and prorogue the said Convocation to the Collegiate Church of *S. Peter Westminster*, upon the Seventeenth of *April*, between the Hours of Nine and Eleven in the Forenoon.

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The Second Session, April 17.

Upon *Friday* the seventeenth of *April*, 1640. the Most Reverend Father in God *William* Archbishop of *Canterbury*, with the rest of the Right Reverend Fathers in God the Bishops his Suffragans, met in King *Henry* the Seventh's Chappel, where after they had humbly upon their Knees made prayers and supplications to Almighty God, being seated, the Archbishop caused the Dignitaries and Clergy of the Lower house to be called in, who being accordingly come, the Reverend *Gilbert Sheldon*, D. D. in a Fluent and Eloquent *Latin* Oration presented the Right Worshipful and Reverend *Richard Steward*, LL. D. Dean of *Chichester*, in the Name of the Lower House of the Convocation, to his Grace and the rest of the Bishops, to be their Prolocutor; who after an Elegant Speech in *Latin*, was, by the said Most Reverend Father in God, with the Assent of the rest of the Bishops, in a Speech in *Latin*, Allowed and Approved to be the Prolocutor of the said Lower House of the Convocation.

Which being done, his Grace the Archbishop in the presence of the Bishops, Prolocutor and the Lower House of the Convocation, having copiously recommended to them the special Favour and Kindness of his Majesty, the most Serene and Sovereign Lord King *C A A R L E S*, produced his Majesties Letter under the Great Seal of *England*, Authorizing them to Make and Ordain certain Canons and Constitutions, for the Establishment of True Religion, and the Profit of the State of the Church of *England*, as follows:

The Kings Letters Patents to the Convocation.

CHARLES By the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all whom these Presents shall come Greeting. Whereas in and by one Act of Parliament made at Westminster in the Five and Twentieth Year of the Reign of King Henry the Eighth. Reciting, That Whereas the Kings humble and obedient Subjects the Clergy of this Realm of England, had not only acknowledged according to the Truth, That the Convocation of the same Clergy were always had, been and ought to be assembled only by the Kings Writ, but also submitting themselves to the Kings Majesty, had promised in verbo sacerdotis, That they would never from thenceforth presume to attempt, alledge, claim, or put in use, or enact, promulge, or execute any new Canons, Constitutions, Ordinances Provincial, or otherwise, or by whatsoever other Name they should be called in the Convocation, unless the said Kings most Royal Assent and License might to them be had to make, promulge, and execute the same, and that the said King did give his most Royal Assent and Authority in that behalf. It was therefore Enacted by the Authority of the said Parliament according to the said submission, and petition of the said Clergy (amongst other things) that they, nor any of them from henceforth should Enact, Promulge or Execute any such Canons, Constitutions or Ordinances Principal, by whatsoever Name

or

or Names they might be called in their Conventions in time coming, which always should be Assembled by Authority of the Kings Writ, unless the Clergy might have the Kings most Royal Assent, and License to Make, Promulge, and Execute such Canons, Constitutions, and Ordinances Provincial, or Synodal, upon pain of every one of the said Clergy, doing contrary to the said Act, and being thereof Convicted, to suffer Imprisonment, and make Fine at the Kings Will, &c. And further by the said Act it is Provided, That no Canons, Constitutions or Ordinances, should be Made or put in Execution within this Realm, by the Authority of the Conventions of the Clergy, which should be Contrariant or Repugnant to the Kings Prerogative Royal, or the Customs, Laws, or Statutes of this Realm, any thing contained in the said Act to the contrary thereof notwithstanding. And lastly it is also Provided by the said Act, That such Canons, Constitutions, Ordinances, and Synodals Provincial, which then were already made, and which then were not Contrariant or Repugnant to the Laws, Statutes, and Customs of this Realm, nor to the Damage or Hurt of the Kings Prerogative Royal, should then still be Used, and Executed as they were before the making of the said Act, until such time as they should be Viewed, Searched or otherwise Ordered, and Determined by the Persons mentioned in the said Act, or the more part of them, according to the Tenor, Form, and effect of the said Act, as by the said Act amongst divers other things more fully, and at large it doth, and may appear. **KNOW YE,** That We for divers Urgent and Weighty Causes, and Considerations As thereunto especially moving, of Our especial Grace, certain Knowledge, and meer Motion, have by Virtue of Our Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, given and granted, and by these Presents do give and grant, full, free and lawful Liberty, License, Power, and Authority unto the most Reverend Father in God, William Lord Archbishop of Canterbury, Primate of all England, and Metropolitan President of this Convocation for the Province of Canterbury, and to the rest of the Bishops of the same Province, and to all Deans of Cathedral Churches, Archdeacons, Chapters, and Colledges, and the whole Clergy of every several Diocess within the said Province; That they the said Lord Archbishop of Canterbury, President of the said Convocation, and the rest of the Bishops, and other the said Clergy of this present Convocation within the said Province of Canterbury, or the greater number of them (whereof the said President of the said Convocation to be always one) shall and may from time to time, during Our Will and Pleasure, Propose, Confer, Treat, Debate, Consider, Consult, and Agree upon the Exposition or Alteration of any Canon or Canons now in Force, And of and upon such other now Canons, Orders, Ordinances and Constitutions, as they the said Lord Arch-Bishop of Canterbury, President of the said Convocation, and the rest of the said Bishops and other the Clergy of the same Province, or the greater number of them (whereof the said Lord Archbishop of Canterbury, President of the said Convocation to be one) shall think necessary, fit, and convenient for the

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the Honour and Service of Almighty God, the good, and quiet of the Church, and the better Government thereof, to be from time to time observed, performed, fulfilled, and kept as well by the said Lord Archbishop of Canterbury, the Bishops and their Successors, and the rest of the whole Clergy of the said Province of Canterbury, in their several Callings, Offices, Functions, Ministries, Degrees, and Administrations: As also by all and every Dean of the Arches, and other Judges of the said Archbishops Courts, Guardians of Spiritualities, Chancellors, Deans and Chapters, Archdeacons, Commissaries, Officers, Registers, and all and every other Ecclesiastical Officers, and their Inferior Ministers whatsoever of the same Province of Canterbury, in their and every of their distinct Courts, and in the Order and Manner of their, and every of their Proceedings, and by all other Persons within the Realm, as far, as lawfully being Members of the Church it may concern them. And further to confer, debate, treat, consider, consult and agree of, and upon such other points, matters, causes, and things, as We from time to time shall deliver or cause to be delivered unto the said Lord Archbishop of Canterbury, President of the said Convocation, in writing under Our Sign Manual, or Privy-Signet to be debated, considered, consulted, and concluded upon the said Statute, or any other Statute, Act of Parliament, Proclamation, Provision, or Restraint heretofore had, made, provided, or set forth, or any other cause, matter, or thing whatsoever to the contrary notwithstanding. And we do also by these Presents Give and Grant unto the said Lord Archbishop of Canterbury, President of the said Convocation, and to the rest of the Bishops of the said Province of Canterbury, and to all Deans of Cathedral Churches, Archdeacons, Chapters and Colledges, and the whole Clergy of every several Diocess within the said Province, Full, Free and Lawful Liberty, Licence, Power and Authority, That they the said Lord Archbishop of Canterbury, President of the Convocation, and the rest of the said Bishops, and other the Clergy of the same Province, or the greater number of them, (whereof the said President of the said Convocation to be one) all and every the said Canons, Orders, Ordinances, Constitutions, Matters, Causes and Things, so by them from time to time conferred, treated, debated, considered, concluded, and agreed upon, shall and may set down in writing in such form as heretofore hath been accustomed, and the same so set down in writing to exhibit, and deliver, or cause to be exhibited and delivered unto us, to the end, That we upon mature Consideration by us to be taken thereupon, may allow, approve, confirm, and ratifie, or otherwise disallow, annihilate, and make void such and so many of the said Canons, Orders, Ordinances, Constitutions, Matters, Causes and Things, so to be by force of these Presents, considered, consulted, and agreed upon as we shall think fit, requisite, and convenient; Provided always that the said Canons, Orders, Ordinances, Constitutions, Matters and Things, or any of them so to be considered, consulted or agreed upon as aforesaid, be not contrary or repugnant to the Liturgie Established, or the Rubrick in it, or the Nine and Thirty Articles, or the Doctrine,

Doctrines, Orders, and Ceremonies of the Church of England already Established. Provided also, and Our express Will and Cominandment is, That the said Canons, Orders, Ordinances, Constitutions, Matters, and Things, or any of them so to be by force of these Presents, considered, consulted, or agreed upon, shall not be of any Force, Effect, or Validity in the Law, but only such, and so many of them, and after such time as we by Our Letters Patents under Our great Seal of England shall allow, approve, and confirm the same, any thing before in these presents contained to the contrary in any wise notwithstanding. And lastly We will, and do hereby declare Our pleasure to be, That Our former License or Commission under our great Seal of England, bearing date the fifteenth day of April last past, made to the said Lord Archbishop of Canterbury, and to the rest of the Bishops and other the Clergy of the said Province of Canterbury touching the Premises, shall be determined to all intents and purposes, And that this our present License or Commission shall be, and continue in force during Our pleasure. In Witness whereof We have caused these Our Letters to be made Patents. Witness Our Self at Westminster the Twelfth day of May, in the Sixteenth year of Our Reign.

Per ipsum Regem.

WILLIS.

*Concordat cum Originali facta Collatione per me Robert Blewit,
Notarium Publicum.*

The Letter being read, and received with all respectful Reverence, profound Humility, and dutiful Gratitude, his Grace desired the Prolocutor, the Deans, Archdeacons, Procurators of the Chapters and Clergy then present, to take into their consideration the granting to his Majesty some Assistance by way of Subsidie, as also the Canons and Constitutions to be made for the advancement of Christs Religion, and the happy State of the Church of *England*, and to give in their respective Opinions in writing to the said Archbishop and Bishops. After which the Prolocutor with the Lower House being dismissed, and after some Conference among themselves, the said Archbishop with the consent of the said Bishops his Brethren, continued by Prorogation the said Provincial Synod to *Wednesday* the Twenty Second of *April*, between the Hours of Eight and Twelve in the Forenoon.

The Third Session, *April*, 22.

After Prayers it was agreed that in regard of the Publick Affairs of Parliament, *William* Bishop of *London*, Lord High Treasurer of *England*, *Robert* Bishop of *Litchfield* and *Coventry*, *John* Bishop of *St. Asaph*, *George* Bishop of *Hereford*, *William* Bishop of *Bangor*, *John* Bishop of *Rochester*, and *John* Bishop of *Peterborough* should be dismissed the Convocation, and attend the Affairs of the Parliament.

His Grace having had some discourse with the other Bishops, the Prolocutor and Lower House of the Convocation were sent for, and being come in, the Archbishop informed them of the Extraordinary Charges

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which his Majesties pressing Affairs necessitated him to Expend, and the imminent danger which at this time threatned the State and Kingdom, and that for these Reasons and several others, he with the rest of the Bishops had agreed to grant to his most Illustrious Majesty six Subsidies, and if it did appear by the Register that a greater number of Subsidies was at any time given by the Prelates and Clergy of the Province of *Canterbury*, they would give more; his Grace also further acquainted them it was their intention that these six Subsidies should be at the rate of four shillings in the pound, and so to be levied in as short a time as any formerly granted had been collected; further requesting them as a manifestation of their singular duty & observance to his Most Gracious Majesty, to give their Assent, and that in order to it they would immediately debate it in their House, and return an Answer. And to expedite the business, his Grace nominated *Joseph* Bishop of *Exceter*, and *Matthew* Bishop of *Ely*, to be Examiners and Correctors of the Book of Subsidies, and desired the Prolocutor and the whole Lower House, to chuse out of their Number four or six grave Persons to be joyned to the said Bishops in order to the expediting that Affair. Not long after, the Prolocutor and whole Lower House returned, and the Prolocutor in his own Name, and in the Name of the said House declared their Unanimous Consent to the said six Subsidies, and a greater number if it had ever before been granted, to be granted to the Kings Most Excellent Majesty, and that they had chosen for Examiners and Correctors of the Book of Subsidies to Assist the said Bishops of *Exceter* and *Ely*, the Reverend Persons *Isaack Bargrave* and *Thomas Wyniff*, the Deans of *Canterbury* and *S. Pauls*, *Thomas Pask* and *Thomas Wilson*, Archdeacons of *London* and *Westminster*, *Sir John Lamb*, Kt. LL.D. Official of the Court of the Arches, and *Peter Heylin*, D.D. which Election the Archbishop and Bishops approved.

And that God the giver of every good gift would be pleased so to dispose the present Parliament, that all who were therein Assembled might agree in the Common Design to promote the Glory of God, the Honour and Peace of the Church, the Profit, Tranquility, and Advantage of the King and these Realms, his Grace informed them of his Majesties Command, to implore the Divine Goodness for his Mercy and Favour, and that therefore two Grave and Learned Persons should be chosen out of the Lower House to Compose such a Form of Prayer to be used in the Convocation. Upon which the Lower House chose the Reverend *William Bray* and *John Oliver*, D. D. Chaplains to his Grace, to compile the said Book.

Presently after the Prolocutor, with five of the six Examiners and Correctors of the Book of Subsidies coming in, his Grace had some Discourse with them concerning the Canons to be made, and acquainted them, that he with his Brethren the Bishops, had debated and agreed of the Heads of two Canons, concerning the Rooting out and Suppressing of Jesuits and Priests, and others of the *Roman* Church; which his Grace delivered in Writing to the Prolocutor, to be read proposed and debated in the Lower House of the Convocation; withal adding this premonition, That no Person should presume to give any Copies of them; and that if any of the said House shall be of a diverse Opinion, they should give it in Writing to the Prolocutor, to be Exhibited to the Archbishop and Bishops of the Upper House of the Convocation, to be by them further considered of. After which his Grace with the Consent of the Bishops his Brethren there present, did by a Schedule then Read, continue and prorogue the Convocation

vocation to *Friday* the Twenty Fourth of *April*, between Two and Four of the Clock in the Afternoon.

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The Fourth Session, *April 24.*

Upon *Friday* the Convocation was further Prorogued till *Saturday* the Twenty Fifth, between the Hours of Two and Four in the Afternoon; by *Godfrey* Bishop of *Gloucester*, and *John* Bishop of *Oxford*, substituted by the Archbishop by a Writing under his Hand and Seal to that purpose.

The Fifth Session, *April 25.*

Upon *Saturday* the Twenty Fifth, after Prayer his Grace with the consent of the Bishops his Brethren, gave Authority to the said Bishops before appointed together with four of the six Elected by the Lower House, at any time to Examine, Correct and Expedite the Book of Subsidies.

The Form of Prayer Composd by Mr. *Bray* and Mr. *Oliver*, for Gods Blessing upon the Parliament then Assembled, was presented by the Prolocutor to his Grace and the Bishops, who with some small alteration, Approved it, and Ordered it should be read and used in the Convocation immediately before the Benediction.

It was further Ordered That no Bishop or other Person of the Clergy, should give Copies of any Canon or part of any Canon proposed in the Synod, or to discourse publickly or privately of them out the House, till such time as the Synod had fully determined them; and had obtained the Approbation of his Sacred Majesty, and this under the Penalty of suspension for Three Months for every of the Clergy who should be found so Offending, and of Synodical Admonition for every Bishop, which being sent down by the Prolocutor to the Lower House were also there agreed unto. Adjourned in Form and Manner as before till *Wednesday*, *April 29.* between Two and Four in the Afternoon.

The Sixth Session, *April 29.*

Adjourned by Commission to *William* Lord Bishop of *Bath* and *Wells* and others, till *Saturday*, *May* the Second, between the Hours of Two and Four, *post Merid.*

The Seventh Session.

Adjourned by Commission to *John* Bishop of *St. Asaph* and others, till *Wednesday*, *May* the Fifth, between the Hours of Two and Four, *post Merid.*

The Eighth Session, *May 9.*

Adjourned by Commission to *John* Bishop of *Salisbury* and others, till *Saturday*, *May* the 9. Hours of Two and Four, *post Merid.*

The Ninth Session. Adjourned *ut supra*, till *Wednesday* *May 13.*

The Tenth Session, *May 13.*

Upon *Wednesday* the Thirteenth of *May*, after Prayers the Archbishop having discoursed with the rest of the Bishops his Brethren, of the danger of the present Times, the Tumult and Disorder of the rude and inferior

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Multitude, who in a violent manner Assaulted his House at *Lambeth*, he commanded the Prolocutor and Lower House of the Convocation to be called in, and upon their appearance he acquainted them, That the King's Most Excellent Majesty of his special Grace and Favour, had by his Commission under the Great Seal of *England*, granted Power and Authority for their making certain Canons and Constitutions, for the good of the Ecclesiastical State, which Commission was to continue during his Majesties Royal Will and Pleasure. The Commission being read, and received with all due respect and gratitude, his Grace desired the Prolocutor and Members of the Lower House to agree among themselves concerning the matters before them, *viz.* First concerning the Benevolence or Extraordinary contribution to be granted to the King's Most Serene Majesty. Secondly, Concerning the Canons and Constitutions. And that they might proceed with greater Expedition, he desired them to chuse certain Grave and Reverend Men of their Number to consider of the said Canons and Constitutions. Whereupon these Persons following were Chosen for that Service, *viz.*

The Reverend *Richard Steward*,  
LL. D. Prolocutor of the Lower  
House of Commons.

*Isaack Bargrave* D. D. Dean of  
*Canterbury*.

*Thomas Wyniff*, D. D. Dean of *St. Pauls*.

*Richard Baily* D. D. Dean of *Salisbury*.

*Thomas Pask* D. D. Archdeacon of  
*London*.

*Andrew Bing* D. D. Archdeacon of  
*Norwich*.

*Ralph Brownrig* D. D. Archdeacon of  
*Coventry*.

*John Mountfort* D. D. Procurator  
for the Chapter of *St. Pauls*.

*Gilbert Sheldon* D. D. Procurator  
for the Chapter of *Gloucester*.

*Sir John Lamb*, Kt. LL. D. Commis-  
sary of the Arches.

*Thomas Turner* D. D. Procurator  
*pro Clero Lincoln*.

*Gilbert Ironside* D. D. Procurator  
*pro Clero Winchester*.

*Edward Franklyn* D. D. Procurator  
*pro Clero Bristol*.

*Benjamin Laney* D. D. Procurator  
*pro Clero Norwich*.

After which there being some further discourse betwixt the said Archbishop and Bishops concerning the said Canons and Constitutions, and the same being communicated to the Prolocutor and Lower House, the Convocation was continued and prorogued in form and manner as usual, by Writing in the Name of the Archbishop to *Friday* the Fifteenth of *May*, 1640. between the Hours of Two and Four, *Post Merid*.

The Judges  
Opinion for  
the continu-  
ance of the  
Convocation  
after the dis-  
solution of the  
Parliament.

The Opinion of the Lord Keeper and others, and the Judges, and of the King's Council for the Continuance of the Convocation as follows :

**T**HE Convocation being called by the Kings Writ under the Great Seal, doth Continue until it be Dissolved by Writ or Commission under the Great Seal, notwithstanding the Parliament be Dissolved, *May*, 14. 1640.

*John Finch* Custos M. S.  
*H. Manchester*  
*John Bramston*  
*Ralph Whitfied*

*Robert Heath*  
*Edward Littleton*  
*John Banks*.

The



The eleventh Session, May, 15.

Upon Friday the 15th of May the most Reverend Father in God his Grace the Archbishop of *Canterbury*; together with the Reverend Fathers in God the Bishops his brethren, being met and assembled in King *Henry* the Seventh Chappel, Divine Service being ended, his Grace acquainted them that his most serene Majesty had sent as a special Messenger to their House, the Right Honourable Sir *Henry Vane* Knight, one of the principal Secretaries of State, and Treasurer of His Majesties Household, and that he now attended to be admitted; whereupon the said Sir *Henry Vane* was ordered to be called in, together with the Prolocutor and lower House of Convocation. Which being done, and the said Sir *Henry Vane* being with all Civility received by his Grace the President of the Synod, and placed in a Chair upon the left hand of his said Grace; Sir *Henry* in a short Speech acquainted the Reverend Prelates and Clergy, that he was sent by His Majesties express Command, to declare His said Majesties Royal Will and Pleasure to them, which was to this effect:

A Message to the Convocation by Sir *Henry Vane*.


*That whereas His Majesty had of his special Grace granted a Commission to this Synod, for the making of Canons and Constitutions Ecclesiastical for the better Government of the Church, the glory of God, His Majesties honour, and as it was hoped the peace and welfare of the whole Realm, and it having been debated among the Lords of His Majesties most honourable privy Council; Whether this Sacred Synod should proceed or not, to the making of such Canons and Constitutions Ecclesiastical, the said Lords did unanimously agree, and judge, that this Synod ought to proceed in the same, as being highly necessary; and that therefore he was sent in His Majesties name to Exhort them with all expedition to make such Canons as the present State and exigency of affairs required; and that it was His Majesties further Pleasure, that none of the said Prelates or Clergy should with-draw themselves from the said Synod or Convocation, till the affairs they had in Command from the King were perfected and finished: immediately after which his Grace, together with the said Sir *Henry Vane* with-drew and repaired to Whitehall to attend upon His Majesty in Council, after which John Lord Bishop of *Salisbury* by Commission continued and Prorogued the Synod to the 16th of May, being Saturday between the hours of 8 and 11 in the forenoon.*

The twelfth Session, May, 16.

Upon Saturday his Grace the Archbishop President of the Synod, and the Bishops being Assembled, and Divine Service ended, the Prolocutor accompanied with the Deans of *Canterbury* and *St. Pauls* presented his Grace the President with certain heads of Canons agreed upon by the lower House of the Convocation; after which he had some discourse with the other Bishops concerning injustice offered by the Impropiators and their Farmour, to the more indigent Clergy, in detaining from them their Salaries, Oblations and Ecclesiastical Fees, for Churching of Women, Marriages, and Burial of the dead, as also how injuriously Church-wardens were chosen, and Parish Clerks, to the disturbance and vexation of the Clergy: and it was agreed by his Grace, and the said Bishops, that application should be made to His Majesties Attorney General for some suitable Remedy to be found out and applyed to redress these Grievances of the Clergy.

Then



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Then was read the Book, or Form of the Grant of the free Benevolence or Contribution of Four Shillings in the pound in every year for six years ensuing, to be paid out of all Benefices within the Province of *Canterbury*, according as they are rated in the Book of first Fruits, to be paid to the Kings Majesty with certain Conditions and Provisions therein mentioned, which being sent down to the lower House by the Prolocutor, was there also unanimously consented and agreed to.

After which the Prolocutor humbly presented the Archbishop a Canon, for obtaining the Writ *de Excommunicatis capiendis*, out of His Majesties Honourable Court of Chancery, and after some debate upon it, the most Reverend Father in God, the Lord President continued and Prorogued the Synod in manner and form as usual, till Munday the 18th day of *May*, between the hours of 9 and 11, *ante Meridiem*.

*Thirteenth Session, May 18.*

Upon this day Divine Service being ended, the most Reverend President having sent for the Prolocutor, and the whole lower House Communicated to them a Letter from His Majesty under the Signet.

*His Majesties Letter to the Clergy Assembled in Convocation.*

C H A R L E S R.

**M**ost Reverend Father in God, Right trusty, and Right entirely beloved Council, Right Reverend Father in God, Right trusty and well beloved We greet you well. Whereas we of Our meer Grace, and Favour, and for the Good and Peace of the Church, have granted to you Our Archbishop of *Canterbury* free leave and Licence under Our Great Seal of England, bearing date the 12th of this Instant *May*, to propose, treat, and conclude upon all such necessary Articles, and Canons which you shall find fit to be ordered for the better Peace and Government of this Church. Provided that you shall thereby have no power to meddle with, nor alter any thing ratified, and confirmed by Act of Parliament; And whereas we have farther in that Licence which we have granted unto you, reserv'd power to Our self to command you to propose, treat, and determine of any such thing or things as We shall recommend unto you under Our sign Manual or Signet: These are therefore to will and require you to propose, treat, and conclude upon such a Canon, as may secure Us, and all Our loving Subjects, against all Growth, and Increase of Popery in this Our Kingdom, as also of any Heretical or Schismatical opinions to the prejudice of the Doctrine or Discipline of this Church of England Established by Law. And that in this case you agree upon some Oath to be taken by your selves and all the Clergy respectively, and by all which shall hereafter take on them Holy Orders, that they shall adhere constantly to the Doctrine and Discipline here Established, and never give way (for so much as can any way concern them) to any Innovation or Alteration thereof. And when you have made this Canon, and inserted this Oath, we require you to present it to Us, that we may advise upon it, and if upon mature Consultation We approve it, We shall confirm it; And then give you power under Our Great Seal, both to take the said Oath your selves, and to administer it to all such as the Canon appoints.

Given



Given under Our Signet, at Our Court at *Whitehall* the 17<sup>th</sup> day of *May*, in the Sixteenth year of Our Reign.

To the most Reverend Father in God, Our Right trusty, and Right entirely beloved Counsellor the Lord Archbishop of *Canterbury*, Primate and Metropolitan of *England*. To the Right Reverend Fathers in God, Our Right trusty and well beloved the Lords Bishops, and to Our trusty, and well beloved, the rest of the Clergy now Assembled in Convocation.

*Concordat cum originali facta Collatione, per me Robertum Blewit Notarium Publicum.*

Which letter being read, he acquainted them, that in the last Parliament there were many complaints against several of the Clergy, and particularly against *Dr. Beale* a member of the lower House of the Convocation, for words spoken in their publick Sermons tending to the disturbance of the State of this Realm : to which his Grace had made reply, that it was the first time he had heard any complaint of that Nature, and that if he had heard it before he would have taken it into Examination, and have caused the Offenders to be punished in the Ecclesiastical Court, and that he would punish them in this Synod, if it did continue to fit. But however, that after the dissolution of the Convocation, and the determination of the days of privilege, he was resolved publickly to call the parties before him, and to proceed with them according to their merits, and the due course of Law.

The Prolocutor, with the Deans of *Canterbury* and *London*, the Arch-Deacon of *Middlesex* and *Rocheſter*, bringing with them the Canons concerning Recusants, also complained, that contrary to privilege *Dr. Burgess*, Arch-Deacon of *Rocheſter*, a Member of the Convocation was served with a Writ of *Sub-pœna* out of the Court of the Exchequer; upon which his Grace acquainted the Prolocutor, that the lower House should advise what was fit to be done upon such an occasion, and represent it to the higher House, that he and his Brethren might consider what was to be done.

The Bishops of *Ely* and *Bristol* were appointed to consult with the Lords chief Justices about certain words and clauses in the Canon concerning Recusants; after which the Convocation was by the Lord President, with the consent of his Brethren the Bishops continued and Prorogued till the afternoon, between the hours of 4. and 6.

*The Fourteenth Session.*

In the afternoon *John* Lord Bishop of *St. Asaph* by Commission continued and Prorogued the Convocation till Tuesday the 19<sup>th</sup> of *May*, between the hours of 9 and 11 in the forenoon.

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*The Fifteenth Session, May, 19.*

Divine Service being ended, *Matthew* Lord Bishop of *Ely* acquainted his Grace the President, that according to the order yesterday he the said Bishop, with the Bishop of *Bristol* had consulted Sir *Edward Littleton* Kt. Lord chief Justice of the Common Pleas, concerning certain words, and clauses in the Canon against Recusants, and that the said Lord chief Justice had advised that certain words in the said Canon should be expunged, and others more fit inserted in the room of them; which being accordingly done, the Prolocutor and nine of the lower House being sent for, his Grace informed them of the said alteration made by the advice of the said Lord chief Justice, and sent the said Canon to the lower House for their consent: after which the Prolocutor offered with all Humility to the said most Reverend President the beginning and conclusion of the Articles concerning his Majesties Royal Supremacy, as also a Canon against Socinians, which with some alterations and amendments were agreed to by the said President, and the rest of the Bishops: which done, his Grace in manner and form as usual, continued and Prorogued the said Convocation till Wednesday the 20th of May between 8 and 11. A. M.

*The Sixteenth Session, May, 20.*

After Prayers, the most Reverend Father in God the Archbishop, the President, and the Bishops had a great debate concerning the Canon against Socinians, and the form of the Oath, which at last were agreed unto, and the Prolocutor and six of the lower House being sent for, the said Canon and form of the Oath were sent down to the said House to be there considered of and debated.

Then the Canon for the Collection of the voluntary Contribution was read; and the Prolocutor with two others of the lower House coming up, delivered to his Grace a Schedule concerning the taking out the Writ *de Excommunicatis capiendis*, after which his Grace continued and Prorogued the Convocation till Thursday 21 of May, between 9 and 11, A. M.

*The Seventeenth Session, May, 21.*

Prayers being ended, his Grace sent for the Prolocutor and the lower House of Convocation, who being come, a Letter from his Majesty under the Signet, directed to the said Reverend Fathers and Clergy in Convocation Assembled was read, the tenor of which was as follows:

The Kings Letter to the Convocation concerning the Benevolence, May, 20 1640.

C H A R L E S R.

**M**ost Reverend Father in God, Right trusty, and Right entirely beloved Counsellor, Right Reverend Father in God, Right trusty and well beloved and trusty, and well beloved, we greet you well. Whereas we understand by you



you the Lord Archbishop of Canterbury, you have confer'd and agreed amongst your selves, to represent unto Us your humble, and hearty Service, and good Affection towards Us, by an extraordinary Contribution and Benevolence, to be granted to Us by Our whole Clergy of that Our Province: We have therefore thought fit by these Our Letters, to will, and require you, according to the power given unto you by Us, under Our Great Seal, to finish and perfect the said Concession; And also to make, and ordain such Decrees, Canons, or Constitutions, for the Collecting, Levying, Paying, and accompting of the said Concession, as in your Wisdom shall be thought fit for the better speedying of the same. And these our Letters shall be your sufficient Warrant and Discharge in this behalf.

1640.

Given under Our Signet, at Our Palace of Westminster, the 20th day of May, in the Sixteenth year of Our Reign.

To the most Reverend Father in God, Our Right trusty, and Right entirely beloved Counsellor the Lord Archbishop of Canterbury, Primate and Metropolitan of England. To the Right Reverend Fathers in God, Our Right trusty and well beloved the Lords Bishops, and to Our trusty, and well beloved, the rest of our Commissioners now Assembled in Convocation.

*Concordat cum originali facta Collatione, per me Robertum Biewit Notarium Publicum.*

After which his Grace acquainted them with certain Canons and Orders agreed to by the said Bishops for the Collecting, Levying and Payment of the voluntary Contribution to his Majesty, and recommended them to the lower House for their assent: which the said lower House after reading, and considering of them, consented to, and signified so much by the Prolocutor, and some others of their Body. After which the said President, and Bishops debated about certain Canons presented by the Prolocutor, concerning certain Rites and Gestures to be used in Churches; and then the Convocation was continued and Prorogued in form and manner, *ut supra*, to the afternoon of the same day, between the hours of 2 and 4.

*The Eighteenth Session.*

The Convocation by Commission to Morgan Lord Bishop of Landaff, continued and Prorogued to Friday 22 May, between the hours of 9 and 11, A. M.

*The Nineteenth Session, May 22.*

Prayers being finished, his Grace the Lord President of the Convocation discoursed with his bretheren the Bishops concerning a Canon for the receiving the Sacrament of the Lords Supper, and placing of the Communion Table in the middle, of which discourse Godfrey Lord Bishop of Gloucester made this protestation; That he did not intend to give his consent to the compiling or making any Canons propounded in this Sacred Synod, unless he saw some ancient President warranting the lawfulness of the



1640.

The Protestation of Godfrey Bishop of Gloucester against making any Canons. This Bishop dyed a protestant man Catholic.

the said Synod or Convocation, only he affirmed he did approve and consent to the Canons made concerning the Benevolence, or free Contribution granted by this sacred Synod, to his most Excellent Majesty, adding that he was resolved in all other things to adhere to this his Protestation.

Then the Prolocutor, with Eight others of the lower House came up, and humbly presented to his Grace a form of the book of Articles and three Canons debated of in the lower House, as also a Petition of one of their Members for *Wales*, for the correction and amendment of a false impression of the Liturgy in *Welsh*; and desiring the form of Prayer used at the Kings Coronation, might also be translated into the *British* Language and used there: which was committed to the care of *John* Lord Bishop of *S. Asaph*. Then his Grace with the Bishops debated about the Canons against Sectaries, Separatists and other Recusants, absenting themselves from Divine Service, as also about the annual use of the Coronation-day Service, and concerning the Consecration of Bread and Wine in the holy Sacrament of the Eucharist as often as there should be need; after which the Convocation was continued and Prorogued till the afternoon, between 2 and 4 of the clock.

*The twentieth Session.*

By Commission to the Bishops of *Winchester*, *Salisbury* and others, was continued and Prorogued till Saturday 23 of *May*, between 9 & 11. A.M.

*The one and Twentieth Session, May 23.*

Prayers ended, the book of Articles concerning Parochial Visitations was debated and committed to the Examination of the Bishop of *Ely*, *Exceter* and *Oxford*, and the Convocation Prorogued till the afternoon, between the hours of 2 and 4.

*Two and Twentieth Session.*

The Bishops of *Ely*, *Winchester*, *Exceter* and *Bristol*, with six or eight of the lower House appointed to present his most serene Majesty, with the Instrument for the Benevolence or free Contribution granted by the Clergy of the Convocation; after which adjourned till Wednesday 27 of *May*, between the hours of 9 and 11. A. M.

*The three and twentieth Session, May 27.*

After Prayers, the Prolocutor, and the whole lower House being called in, his Grace the most Reverend Father in God the Archbishop of *Canterbury* President of the Synod acquainted them, that upon Munday last in the morning the Instrument of the Benevolence granted unanimously to the Kings most Excellent Majesty by the Convocation, was presented to his Sacred Majesty by the Bishops and others of the lower House thereunto deputed, which was most Graciously received by his Majesty, who commanded the Archbishop in his Name to return thanks to the Prelates of the upper House of Convocation, and the Prolocutor to do the same to the lower House. That upon Tuesday last the Canons agreed upon in this Synod were read before the Kings most Excellent Majesty, and the Lords of the Privy Council, who did unanimously, and without the least hesitation



hæsitatiō approve of them; and that his Majesty had Commanded him to return thanks to both Houses of the Convocation for their great care and pains in making the said Canons.

After which the Prolocutor presented the conclusion of a certain Canon for suppressing the increase of Popery; and not long after *William Fisher* a publick Notary presented from the lower House a Schedule of the Titles of all the Canons already agreed upon, which was approved of by his Grace, and the rest of the Bishops.

Then the Prolocutor exhibited certain Canons against abuses committed by Ecclesiastical Judges, Registers, and other Officers; after which the Convocation was continued and Prorogued till Thursday 28 of May, between 9 and 12, A. M.

*The Four and Twentieth Session, May 28.*

After Prayers, the Prolocutor with five others presented a Petition of *John Cross* Butcher, *William Stevenson* Butcher and his Wife, and *Roger Barton* inhabitants of the Parish of *St. Clements-Danes* without *Temple-Bar*, and *St. Mary-Savoy* in the Strand, against *John Allen* a publick Notary, and *Arthur Colman* an Apparitor for misdemeanors by them committed, upon which the said *Allen* and *Colman* were ordered to be prosecuted before his Majesties Commissioners in causes Ecclesiastical; Then they fell into debate concerning the Canons against Ecclesiastical Judges, &c. and the Prolocutor which is of the lower House coming in, the said Canons were returned to the lower House to be further treated of; after which the Convocation was continued and Prorogued till between the hours of 2 and 4, P. M.

*The Five and Twentieth Session.*

Sir *John Lamb*, and Dr. *Heath* were called in with the Prolocutor, to inform his Grace and the Bishops concerning the Canons about Ecclesiastical Judges, Registers, and Officers, and the Convocation was continued and Prorogued to Friday 29 of May, between the hours of 9 and 12. A. M.

*The last Session, May 29.*

Prayers being ended, the book containing 17 Canons was subscribed by all the Bishops, except the Bishop of *Glocester*, viz. The Archbishop his Grace of *Canterbury*, the Bishops of *Winchester*, *Salisbury*, *Litchfield* and *Coventry*, *Exceter*, *Norwich*, *St. Asaph*, *Bath* and *Wells*, *Oxford*, *Hereford*, *Ely*, *Bristol*, *Bangor*, *Rochester*, *Peterborough* and *Landaff*, and by all the Members of the lower House of Convocation with their own hands.

After which the Archbishop demanded of the Bishop of *Glocester*, whether he would subscribe, which he refused, and so a second and a third time, but he still refused; but the Archbishop threatening him with deprivation, and several of the Bishops interceeding for him, and pressing him to subscribe, in conclusion he put his name to the said book: but being demanded at the instance of the Prolocutor and others, by the Archbishop, whether he had voluntarily & *ex animo*, without Equivocation, Mental-evasion, or secret reservation subscribed? he answered he had subscribed, and would make no other answer; whereupon by the unanimous consent of the said most Reverend Archbishop, the Right Reverend the Bishops, and the whole



I 6 4 0.

Bishop of  
Glocester sus-  
pended *ab*  
*officio* & *be-*  
*neficio* for  
Equivocation  
in subscribing  
the Book of  
Canons.

Clergy of the lower House of Convocation, the said Bishop of Glocester was by his Grace suspended for this great scandal *ab officio* & *beneficio*, till he should give satisfaction to his Majesty and the Church, whom he had so highly affronted and offended; as will more fully appear by this following Paper which I find in the Paper Office at *White-hall*.

The Holy and Sacred Synod, is now this 29<sup>th</sup> of May, 1640. Dissolved, wherein there were 17 Canons subscribed unto, by the Bishops, Deans, Arch-deacons, and Doctors to the number of 100, or 120.

1. **T**he first Canon is to Establish the Kings Royal power.
2. The second against the increase of Popery.
3. The third against Socinianism.
4. The fourth against Sectaries or Puritans.
5. The fifth for keeping the day of his Majesties Inauguration.
6. The sixth for the Government of the Church by Bishops, Deans, and Arch-deacons, and an Oath to be taken by all Churchmen, and Gentlemens Sons, that will take any Degree in the Universities.
7. The seventh is a Declaration for Justifying of all the Ceremonies now practised, as the setting of the Communion Table Altar-wise, the calling of it an Altar: the Bayling it about, for the bringing of the People to the Bayles to receive the bowing towards the Altar going and coming.
8. The eighth, That all Bishops, Deans, and Arch-deacons have but one book of Articles to be inquired of, in the several Visitations.
9. The ninth, That all Ministers under pain of suspension, do Preach the Kings Power and Authority four times a year.
10. The tenth, That if any vexatious suits be commenced against any person, no just proof made against them, they shall be discharged without fee.
- 11, 12, 13, 14, 15, 16. There are six more for regulating Chancellors, and Registers, and other Officers, &c.
17. The seventeenth, is to injoyn Preachers twice every year to Preach for Conformity.

The last business that was insisted upon, was for the deprivation of Doctor Goodman Bishop of Glocester, for refusing to subscribe to these Canons; which had been done by all the Bishops, and all the lower House of Convocation: but with much persuasions, he was drawn to subscribe. Notwithstanding after his subscribing, for his obstinate refusing at first, and the offence taken thereby, he was by both Houses, with a general consent suspended, *ab officio* & *Beneficio*; untill he had given the King and Church satisfaction. The Archbishop upon his refusal to subscribe, told him, that he must either be a \* Papist, Socinian, or Sectary, which he utterly denied, and said it was a matter of another nature.

\* Which proved true, for he dyed a Papist.

Then



Then the Archbishop made an Exhortation to the Clergy, wherein he Exhorted them, to carry themselves Religiously and Wisely both in their Life and Doctrine: And protested that all his sufferings were for supporting them, and this he spake with a deal of passion. And in his Speech the most memorable passage was, that he protested before God, \* that the King was so far from Popery, that there was no man in England more ready to be Martyr for our Religion than his Majesty.

Then the most Reverend Father in God the Archbishop, having in a Grave and Elegant Oration acquainted the Prelates and Clergy of his Majesties Mandate to dissolve the Convocation, and the Writ being publickly read, he according to the tenor of the said Mandate dissolved the Convocation or Sacred Provincial Synod, by a Writing or Schedule then and there publickly read, and the said Synod was dissolved.

I 640.

A propheticall Vindication of his Majesty from the aspersion of Popish Inclinations.

Feoda solvenda Regrario primario & Apparitori Generali Domino Archiep. Cantuar. in Convocatione Provinciae Cantuar. juxta antiquum morem ejusdem Convocationis.

|                                                                               | Regrario. |      |
|-------------------------------------------------------------------------------|-----------|------|
|                                                                               | s.        | d.   |
| <i>Imprimis quilibet Episcopus Provinciae Cant. solvit Regrario prædicto.</i> | vi        | viii |
| <i>Et si absens fuerit toto</i>                                               | xiii      | iv   |
| <i>Item quilibet Decanus comparens per procuratorem</i>                       | v         |      |
| <i>Item quilibet Archidiaconus comparens per procuratorem</i>                 | v         |      |
| <i>Item Procurator cujuslibet Capituli solvit</i>                             | v         |      |
| <i>Item quilibet Procurator Cleri solvit xx viz. duo procuratores.</i>        | iii       | iv   |

|                                                  | Apparitori. |      |
|--------------------------------------------------|-------------|------|
|                                                  | s.          | d.   |
| <i>Item quilibet Episcopus solvit Apparitori</i> | vi          | viii |

Similia feoda solvendum sunt qualibet Sessione cum Convocatio prorogetur autoritate brevis Regii.

Feoda Actuariae domus Inferioris Convocationis solvendum.

|                                          | Actuario. |      |
|------------------------------------------|-----------|------|
|                                          | s.        | d.   |
| <i>Imprimis quilibet Decanus solvit</i>  | ii        | viii |
| <i>Item quilibet Archidiaconus</i>       | i         | viii |
| <i>Item quilibet Procurator Capituli</i> | i         | viii |
| <i>Item quilibet Procurator Cleri</i>    | i         | iv   |

Ostiario



1640.

Ostiaro Domus inferioris.

Ostiaro.

s. d.

|                                          |   |      |
|------------------------------------------|---|------|
| <i>Imprimis quilibet Decanus solvit</i>  | i | iv   |
| <i>Item quilibet Archidiaconus</i>       | i |      |
| <i>Item quilibet Procurator Capituli</i> | i |      |
| <i>Item quilibet Procurator Cleri</i>    |   | viii |

The Oath framed by the Convocation, as also the Titles of the Canons then made, as follows :

The Oath.

**I** A. B. do swear, That I do approve the Doctrine and Discipline or Government Established in the Church of England, as containing all things necessary to Salvation: And that I will not endeavour by my self, or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so Established: nor will I ever give my consent to alter the Government of this Church, by Archbishops, Bishops, Deans, and Archdeacons, &c. as it stands now Established, and as by right it ought to stand; nor yet ever to subject it to the Usurpations and Superstitions of the Sea of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the Faith of a Christian. So help me God in Jesus Christ.

*The Table of the Canons then made do follow.*

1. **C** Concerning Regal power
2. For the better keeping the day of his Majesties most happy Inauguration.
3. For suppressing the Growth of Popery.
4. Against Socinianism.
5. Against Sectaries.
6. An Oath enjoyned for the preventing of all Innovations in Doctrine and Government.
7. A Declaration concerning some Rites and Ceremonies.
8. Of Preaching for Conformity.
9. One book of Articles of Enquiry to be used at all Parochial Visitations.
10. Concerning the Conservation of the Clergy.
11. Chancellors Patents.
12. Chancellors alone not to censure any of the Clergy in sundry cases.
13. Excommunication and Absolution not to be pronounced, but by a Priest.
14. Concerning Commutations, and the disposing of them.

15. Touch.



- 15. Touching concurrent Jurisdictions.
- 16. Concerning Licences to marry.
- 17. Against Vexatious Citations.

1640.

His Majesties Confirmation of the said Canons under the Great Seal of *England*.

**W**E of our Princely inclination and Royal care for the maintenance of the present Estate and Government of the Church of England by the Laws of this our Realm now settled and Established; having diligently with great contentment and comfort read and considered of all these their said Canons, Orders, Ordinances and Constitutions agreed upon, as is before expressed: and finding the same such as we are persuaded will be very profitable not only to our Clergy but to the whole Church of this our Kingdom and to all the true Members of it (if they be well observed) have therefore for us, our heirs and lawful successors, of our especial grace certain knowledge, and meer motion, given, and by these presents do give our Royal assent according to the form of the said Statute or Act of Parliament aforesaid, to all and every the said Canons, Orders Ordinances and Constitutions, and to all and every thing in them contained, as they are before written. And furthermore, we do not only by our said Prerogative Royal, and supreme Authority in Causes Ecclesiastical, ratifie, confirm and establish, by these our Letters Patents the said Canons, Orders Ordinances and Constitutions, and all and every thing in them contained, as is aforesaid; but do likewise propound, publish and straitly enjoin and command by our said Authority, and by these our Letters Patents the same to be diligently observed, executed and equally kept by all our loving Subjects of this our Kingdom, both within the Provinces of Canterbury and York, in all points wherein they do or may concern every or any of them according to this our will and pleasure hereby signified and expressed. And that likewise for the better observation of them, every Minister, by what Name or Title soever he be called, shall in the Parish Church or Chappel where he hath charge, read all the said Canons, Orders Ordinances and Constitutions at all such times, and in such manner as is prescribed in the said Canons, or any of them: The Book of the said Canons to be provided at the charge of the Parish, betwixt this and the Feast of St. Michael the Arch-angel next ensuing: Straitly charging and commanding all Arch-bishops, Bishops, and all other that exercise any Ecclesiastical Jurisdiction within this Realm every man in his place to see and procure (so much as in them lyeth) all and every of the same Canons, Orders, Ordinances and Constitutions, to be in all points duly observed, not sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service



1640.

The State of  
the Kings Af-  
airs.

service to us their King and Sovereign. In witness whereof we have caused these our Letters to be made Patent: Witness our Self at Westminster, the 30th Day of June, in the 16th year of our Reign.

Having thus given a full account of the proceedings of that short lived Parliament from which so much good was expected, and a happy composition both of intestine differences, and the prevention or removal of Foreign dangers was so generally hoped, let us now proceed in the series of Affairs of State.

His Majesty had before the Session of Parliament, as has been declared, indeavoured to make some early provision against the attempts of the Scots Covenanters, who now threatned an Invasion, or in their own language to present their humble desires to his Majesty, with a Sword in one hand, and a Petition in the other, and which, considering the Countenance they met with in *England*, may more properly be accounted an Invitation than an Invasion, and that the Reader may be satisfied that this is a great truth, I will give him their own words for it. When upon misinformation say they, the Council of *England* had concluded to raise Forces against us, when the Parliament of *Ireland* had offered their Persons and Estates for supply against us; when all Plots and Policies were set on work, and publick Declarations were by Authority made, and the Parliament called for this very end; yet so wise, so grave was that High Court of Parliament (to their everlasting Honour be it remembred) that no threatnings nor fears, no promises nor hopes, no fierceness nor cunningly devised suggestions could move them to design a War against us, or grant any Subsidy for a War against us, but rather by Speeches, Complaints and Grievances paralel to ours did justify the cause (so much as in them was) which we defend, &c.

And I find an Information given in to the Secretary of State, by one *Andrew Kipping* a Physician in *Dr. Brown's Court* in the *Old Baily*, which I leave to the Reader to consider, and pass his judgment as he pleases.

One *Cichton*, a Scot pretending himself a Servant to the Earl of *Traquair*, declared to the said *Kipping*, That the *Marquess Hamilton* was the archest Traitor that ever betrayed any King since *Adam*; that he had recourse to *Lowdon* in the Tower and private discourse; that he procured of the King his Inlargement to three or four Rooms, then, liberty of the Tower, and after brought him to kiss the Kings hand, and to be sent with a Commission into Scotland to reduce the Scots to Obedience: That at a private Conference at *White-hall*, he was lock'd up with *Lowdon* from two in the Morning till four in the Afternoon; That the last year in Scotland he told the Covenanting Lords he had no Commission to fight (which was a sufficient intimation to them) and that the Lords came daily to him, and had Conference with him: That he courts his Lord, as a man would do his Mistress for fear of Discovery; That if all the Scots had been banished the Court, Scotland had longer'e this been brought to Obedience; That *Traquair* is a dangerous Covenanter; That *Marquess Hamilton* layes claim to the Crown; That a Covenanting Minister of the most Eminent in Scotland came to two anti-Covenanters which were Brothers, and said to them, Gent. What do you mean? he whom you rely upon, is no more than a staff set up in the way, and he whom you think is so much for you,



*you, you shall find as much against you; and you shall find him the greatest Politician in the Christian World; that the Marquess hath Scouts about to hearken what men say of him, fearing to be discovered.*

I 6 40.

Sept. 3. 1640.

*Andrew Kipping.*

The hopes of Assistance which he had conceived from the Parliament, being to his Majesties great trouble and disappointment, as well as the Encouragement of his Enemies thus frustrated, he was forced to take other measures, and to raise a second Army upon the credit and interest of his friends the loyal Nobility, Gentry and Clergy, who freely contributed towards this Northern Expedition both with their Purfes and their Persons.

Orders were dispatched into the several Counties for raising of men both to march by Land, and to be transported by Sea into the North; of which these following Copies will inform the Reader.

*Copies of Letters directed to the several Counties hereafter following, for the Levying of Souldiers which are to March by Land to Newcastle upon Tine.*

**A**fter, &c. to your good Lordship: By his Majesties Letters sent herewith, your Lordship will understand his pleasure and intention for the Levying of Foot within that County of your Lieutenancy, for the necessary defence of the Realm. By which Letter your Lordship is referred to us for such Instructions and Directions as shall be requisite for that service. We have therefore thought good to pray and require your Lordship, to give present and effectual order to your Deputy Lieutenants, forthwith to meet, and in the first place to distribute the number of men to be raised in the several Hundreds of that County, and to take especial care, that there be a very good Choice made of the men out of the Trained Bands there, that they be of able Bodies and Years meet for this Imployment. Where any Free-holder hath used to have his Arms born by another man, that other man is to be pressed to serve, if he be of able body: and where a Free-holder hath served with his own Arms, and is not fit or willing to serve himself, he is to find another able man to serve in his place; and if he cannot procure another, then your Lordship or your Deputy Lieutenants are to cause another able man to be pressed to serve. And where any man hath used to bear the Common Arms of the Parish, if he be fit and able of body, he is to be taken; but if he be unfit, a sufficient man is to be pressed in his stead. Your Lordship is especially to take care, that in this Liberty given to change men to serve in the place of the Trained Souldiers, there be not any rewards or money taken, which was an abuse too much practised the last year, and now in examination, to receive Condign punishment. As for the choice of the men, our very good Lord the Earl of *Northumberland*, Lord General of his Majesties Army, will forthwith send into that County Commanders to assist your Lordship and your Deputy Lieutenants in the choice and listing of them. And when they shall be in such manner listed, your Lordship is to take effectual order, that there be no alteration of any of them, without a particular Warrant

A List of Souldiers to be Levied for the second Expedition against the Scots, to march by Land.



1 6 4 0.

under the hand of your Lordship, or two of your Deputy Lieutenants. The men to be raised, are to be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County most convenient for each hundred men, till the tenth of *May* next, to be weekly exercised with false Fires or no Fire, by such inferiour Officers, as the Lord General shall send down to instruct them in their postures, and the use of their Arms: to which purpose, your Lordship is to cause the Arms of the Trained Bands to be lent unto them, which shall be re-delivered back, when they shall march out of that County. Your Lordship is likewise to take order, that there be prest, and sent with the said Souldiers one Drum and Drummer to every hundred men, who shall enter into his Majesties pay, as soon as the said Souldiers shall march out of that County. Besides the said particular Rendezvouz, where the several Companies are to meet in that County, your Lordship is to cause one General Rendezvouz to be appointed on the Confines of that Shire, most convenient for the said Souldiers march towards *Newcastle* upon *Tine*; to which General Rendezvouz in that County, the said Souldiers are to be brought the tenth of *May*, and to remain there till the twentieth of the same Month, to be there exercised and put in order for their March towards *Newcastle*, by such Commanders and Officers as shall be sent thither by the Lord General, to whom your Lordship is to send present advertisement, what place you appoint for the said General Rendezvouz of that County. The Souldiers are to be allowed at the charge of that County 8 *d.* a piece *per diem* for every day they shall be exercised, at the particular Rendezvouz in that County. And from the tenth of *May* till the twentieth. The charge also of conducting the said men to the General Rendezvouz of the County, is to be born by that County. Your Lordship (or at least) two of your Deputy Lieutenants are to be at the General Rendezvouz of the County by the tenth of *May*, as well to assist in keeping of the men in order, as to take care for the receiving back from them the Arms of the County, and to deliver the said men over by Indenture, to such Commanders and Officers as shall be appointed to receive and take charge of them: of which Indentures, one part is to be signed by your Lordship, or two of your Deputy Lieutenants, and the other by the said Commanders or Officers that shall receive the men; and Duplicates of the said Indentures are to be sent by your Lordship, one to this Board, and another to the Lord General. As his Majesty is graciously pleased for the ease of that County, that all the Souldiers shall enter into his Majesties pay as soon as they shall march out of the Confines of that Shire towards *Newcastle*; so he expects, that the more readiness and care be used in the raising and keeping them together while they shall be there; and that they be sent away well cloathed and coated at the charge of that County; all which charges and allowances, as well for the coating, as for the entertainment of the said men in their exercising, and conducting to their General Rendezvouz of that County; His Majesties Pleasure and Command is, that your Lordship do cause the same to be Levied in that County as hath been used heretofore in cases of less Importance. And the Counties are to be repaid the same upon Accompt thereof made out of his Majesties Exchequer, in such manner as in former times, upon the like occasion. And lastly, we do expect and require the Justices of Peace, and other Officers in their several Divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants in this Service, &c.

Letters



1 6 4 0

Letters directed to the several Counties hereafter following,  
for the Levying of Souldiers which are to be sent by Sea.

**A**fter &c. to your good Lordship. By his Majesties Letters sent herewith your Lordship will understand his pleasure and intention for the Levying of three hundred foot in the County of Cambridge; Six hundred in the County of Suffolk; Six hundred in the County of Dorset, and Three hundred in the Cinque-Ports, for the necessary defence of the Realm. By which Letter your Lordship is referred to us for such Instructions and Directions as shall be requisite for that Service. We have therefore thought good hereby to pray and require your Lordship to give present and effectual order to your Deputy Lieutenants in each County respectively, forthwith to meet, and in the first place to distribute the Numbers of men to be raised in the several Hundreds of every particular County and to take special Care, that there be a very good choice made of the men, out of the Trained Bands there, that they be of able Bodies and years meet for this imployment. Where any Free-holder hath used to have his Arms born by another man, that other man is to be pressed to serve if he be of able Body. And where any Free-holder hath served with his own Arms, and is not fit or willing to serve himself, he is to find another able man to serve in his place; and if he cannot procure another, then your Lordship, or your Deputy Lieutenants are to cause another able man to be pressed to serve. And where any man used to bear the Common Arms of the Parish, if he be fit and able of body, he is to be taken; but if he be unfit, a sufficient man is to be press in his stead. Your Lordship is especially to take care, that in the liberty given to change to serve in the place of Trained Souldiers, there be not any rewards or money taken, which was an abuse too much practised in the last year in some Counties, and now in Examination to receive condign punishment. As for the choice of the men, our very good Lord the Earl of Northumberland, Lord General of his Majesties Army, will forthwith send into those Counties Commanders to assist your Lordship and your Deputy Lieutenants in the choice and listing of them: And when they shall be in such manner listed, your Lordship is to take effectual order that there shall be no alteration of any of them without a particular Warrant under the hand of your Lordship, or two of your Deputy Lieutenants. The men to be raised in each County, are to be appointed to meet in Companies of one hundred apiece, at their particular Rendezvous in each County respectively; most convenient for each hundred men, until they shall be brought to the General Rendezvous in the several Counties, to be weekly exercised with false fire, or no fire, by such inferior Officers as the Lord General shall send down to instruct them in their Postures and use of their Arms. To which purpose, your Lordship is to cause the Arms of the Trained Bands to be lent unto them.

A List of  
Souldiers to  
be Levied for  
the second  
Expedition  
against the  
Scots, to  
march by  
Land.



I 640.

them, which shall be delivered back when they shall march out of the Counties. Your Lordship is likewise to take order that there be prest and sent with the said Souldiers one Drum and Drummer to every hundred men, who shall enter into his Majesties pay as soon as the said Souldiers shall march out of the Counties. Besides each particular Rendezvous, where the several Companies of one hundred apiece are to meet in those Counties; your Lordship is to cause one general Rendezvous to be appointed on the Confines of each Shire most convenient for the said Souldiers march towards the several Ports or places following, (viz.) the six hundred men from the County of Dorset to New-castle upon Tine. The three hundred from the County of Cambridge, and the six hundred men from the County of Suffolk to Yarmouth; and the three hundred men from the Cinque-Ports to Gravesend. To which general Rendezvous in each County respectively; those from the County of Dorset are to come the tenth of May, to remain there till the twentieth; then to march towards New castle. Those from the County of Cambridge are to come to the general Rendezvous of that County on the twenty fifth of May, to remain there till the fifth of June, then to march to Yarmouth, that they may be there ready to be Shipped on the tenth of June. Those from the County of Suffolk are to come to the general Rendezvous of that County on the twenty seventh of May, to remain there till the sixth of June, then to march to Yarmouth, that they may be there ready to be Shipt on the eighth of June. Those from the Cinque-Ports are to come to their general Rendezvous the twenty first of May, to remain there till the first of June, then to march to Gravesend, that they may be there ready to be Shipped the fourth of June. And they are all to be at the said general Rendezvous of the several Counties exercised and put in order for their march towards the said Ports and places by such Commanders and Officers as shall be sent thither by the Lord General, to whom your Lordship is to send present advertisement what places you appoint for each general Rendezvous of every County. The Souldiers are to be allowed at the charge of every County respectively, eight pence apiece per diem, for every day they shall be exercised at each particular Rendezvous in Companies as aforesaid of one hundred apiece, in every of the said Counties, as also for the time they shall remain at the general Rendezvous in their several Counties, until they march out of the County. When they are to enter into his Majesties pay, your Lordship or at least two of your Deputy Lieutenants for every County are to be at each general Rendezvous of the said Counties, by the times aforeset down for the same, as well to assist for the keeping of the men in order, as to take care for the receiving back of the said Arms from them, and to deliver the said men over by Indenture to such Commanders and Officers as shall be appointed to receive and take the charge of them, of which Indenture one part is to be signed by your Lordship or two of your Deputy Lieutenants, and the other by the said Commanders or Officers that shall receive the men. And Duplicates of the said Indentures are to be sent, one to this Board, and another



other to the Lord General. As his Majesty is graciously pleased for the ease of the Counties, that all the Souldiers shall enter into pay as soon as they shall march out of the Confines of each Shire towards the Ports and places aforesaid of New-castle, Yarmouth, and Gravelend: so he expects that the more care and readines be used, in the raising and keeping of them together while they shall be there, and that they be sent away well cloathed and coated at the charge of the Counties; all which charges and allowances as well for the coating as the encertainment of the said men, in their exercising and conducting to their general Rendezvous of each County, his Majesties Pleasure and Command is, that your Lordship do cause the same to be Levied in each of those Counties respectively, as hath been used heretofore in cases of less importance: and the Counties are to be repaid the same upon account thereof made, out of his Majesties Exchequer, in such manner as in former times upon the like occasion. And lastly we do expect and require the Justices of Peace, and other Officers in their several Divisions to be aiding and assisting to your Lordship and your Deputy Lieutenants, in the performance of all this Service, as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the said Justices of Peace, and other Officers are to take notice upon your imparting these Letters unto them. And so we bid, &c. From Whitehall the twenty sixth of March, 1640.

1640.

Signed.

|                                         |                                  |
|-----------------------------------------|----------------------------------|
| Lord Arch-bishop of <i>Canterbury</i> . | Earl of <i>Berks</i> .           |
| Lord Keeper.                            | Lord <i>Cottingham</i> .         |
| Lord <i>Goring</i> .                    | Mr. Treasurer.                   |
| Lord Treasurer.                         | Mr. Comptroller.                 |
| Earl Marshal.                           | Mr. Secretary <i>Windebank</i> . |
| Lord High-Admiral.                      | Lord Chief Justice of the Com-   |
| Earl of <i>Salisbury</i> .              | mon Pleas.                       |

*A List of the number of Souldiers that are to go by Sea, and where to be Shipped.*

*Sussex* 600. to be Shipt the sixth of *June* at *Gravesend*, to be at the General Rendezvous the twentieth of *May*, to march thence the first of *June*.

*Surrey* 800. to be Shipt the sixth of *June* at *Gravesend*, to be at the General Rendezvous the twenty first of *May*, to march thence the second of *June*.

*Kent* 700. to be Shipt the fourth of *June* at *Gravesend*, to be at the General Rendezvous the twenty third of *May*, to march thence the third of *June*.

*Cinque-Ports* 300. to be Shipt the fourth of *June* at *Gravesend*, to be at the General Rendezvous the twenty first of *May*, to march thence the first of *June*.

Souldiers  
when and  
where to be  
Shipped.

*Middlesex*



1640.

*Middlesex* 1200. to be Shipt the eighth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

*Hertford* 650. to be Shipt the fifth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the one and thirtieth of *May*.

*Essex* 700. to be Shipt the fourth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

*Buckingham* 500. to be Shipt the sixth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the first of *June*.

*London* 1200. to be Shipt at *Blackwall*.

*Huntingdon* 400. to be Shipt the tenth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Suffolk* 600. to be shipt the eighth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty seventh of *May*, to march thence the sixth of *June*.

*Norfolk* 750. to be shipt the eighth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty eighth of *May*, to march thence the seventh of *June*.

*Cambridge* 300. to be Shipt the tenth of *June* at *Tarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Bedford* 400. to be Shipt at *Tarmouth* the tenth day of *June*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

*Lincoln* 200. to be Shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty ninth of *May*, to march thence the ninth of *June*.

*Nottingham* 300. to be Shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty seventh of *May*, to march thence the sixth of *June*.

*Derby* 400. to be Shipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

The Total is 10000. Men.

Letters directed to the several Counties hereafter following, for the providing of Horses and Carts for carriage of the Train of Artillery.

Horses and  
Carters for  
the Train of  
Artillery.

**A**fter &c. to your good Lordship, Whereas the necessity of the Defence of the Realm, at this time doth continually require from Us a care by all fit means to provide for the strength and advancement of his Majesties service and Army, now in raising for the Northern parts, and all things incident thereunto; for which purpose, there is nothing more necessary, than a fit provision to be made of Horse for the Train of Artillery, and for the carriage of Ammunition and all other requisite provisions: We have therefore thought fit, to pray and require your Lordship to take order, that there may be provided strong and able Horses, and able Carters to take care of them within the Limits of your Lieutenancy, in such place where they may be most conveniently had, to be ready at Newcastle upon Tyne, by the fifteenth of *June* next. And for the charge of sending the Horses and Carters to the Rendezvouz at Newcastle, the same is to be born by that County, but when they shall arrive there.



there, they shall enter into his Majesties pay of 12 d. per diem for every Horse, and 8 d. per diem for every Carter, and shall be continued therein, so long as they shall remain in his Majesties service: and when they shall be discharged, an especial care shall be had, and a convenient allowance for their return home again. And lastly, we do expect and require the Justices of Peace and other Officers in their severall Divisions, to be aiding and assisting to your Lordship and your Deputy Lieutenants in the performance of all this service as they are directed by his Majesties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the said Justices of Peace and other Officers are to take notice upon your imparting these Letters unto them. And so, &c. Dated the twenty sixth of March, 1640.

1604.

Signed Lord Archbishop of Canterbury, &c.

*A Copy of Letters directed to the Lord Lieutenants and Deputy Lieutenants of the severall Counties, to be assisting to the Lord Conway, for the raising and levying of men.*

After &c, to your good Lordship, Whereas a Commission hath been given by our very good Lord, the Earl of Northumberland, Lord General of his Majesties Army and Forces sent into the Northern parts, by which his Lordship by vertue of his Majesties Commission under the Great Seal to him directed, hath constituted and appointed our very good Lord the Lord Conway, his Deputy for the Government of the said Army in his Absence, and of the Horse Troops already Levied, and hath given to him sundry powers, directions and authorities, as by the said Letters under the said Lord Generals hand and seal more at length appeareth, We have thought fit hereby to pray and require your Lordship, and your Deputy Lieutenants, according to his Majesties special Command, to be aiding and assisting unto the Lord Conway in the Government of the said Army, and Troops of Horse, and for the raising and levying of the Trained Bands of Horse and Foot of your County, to make resistance to any Enemies, or to assail them according to the tenor of his said Commission, and to be aiding unto him both by your Council, and all other fit ways and means as he shall desire, and as the occasions shall require. Whereof you may not fail, for such is his Majesties especial Direction and Command. Dated the last of March, 1640.

Lord Conway  
to be assisted  
in levying of  
men.

Signed.

*Lord Archbishop of Canterbury.*

*Lord Keeper.*

*Lord Treasurer.*

*Marquess Hamilton.*

*Earl Marshal.*

*Lord Admiral.*

*Lord Chamberlain.*

*Earl of Salisbury.*

*Lord Goring.*

*Mr. Treasurer.*

*Mr. Comptroller.*

*Mr. Secretary Windebanke.*

Lord Chief Justice of the Common Pleas.

*Instructions*



1640.

*Instruction for John Gibbon Esquire, appointed by Commission under the Great Seal of England to be Commissary and Provider for Provisions for the Horse belonging to his Majesties Army.*

Commissary  
of Provisions  
his Instru-  
ctions.

**F**irst, you are to attend the Lord General of his Majesties Army, and to take direction from his Lordship from time to time what quantities of Oats, Beans, Hay, and other provisions for Horse will be requisite and wanting, and provide the same by vertue of your Commission, and cause them to be provided from time to time to such places as his Lordship shall direct you; and for the present you are to provide the quantity of six hundred loads of Hay, and three thousand quarters of Oats to be laid in at *Barwick* before the last of *June*.

You are to require the assistance of the Justices of Assize, and Deputy Lieutenants, and likewise of the Peace jointly in Sessions or severally as occasion shall require, and as in your discretion shall seem best for the service, to which end Letters of Assistance are directed unto them.

For Conveyance and Carriage of those Provisions you shall by vertue of your Commission, and your Letters of Assistance provide the same both by Land and Water, that is to say, either Ships by Sea, or Boats by Rivers, as likewise all kind of Land Carriages by Carts, Waggons, Horses, &c. at such moderate prices as you can agree upon.

You shall from time to time give due advertisement to the Lord General of his Majesties Army, or such as his Lordship shall appoint, letting his Lordship know where you are, and how you proceed in the particular Services.

You shall likewise imploy your sufficient Deputies for the better expedition of the service, and to that end divers Duplicats of your Commission are to be sealed with the Great Seal.

If in the execution of this service, you shall find any persons either negligent in giving Assistance, or refractory in their Obedience, you shall give accompt thereof either to the Lord General, or to the Lords of the Council here, as you shall judge of the Reformation to be more speedily expected in respect of the place and distance.

You shall give your Passports or Certificates to all such as you shall imploy in carriage of those Provisions you shall make, signifying that they are carried by your order, requiring all persons to be aiding and assisting unto the Conveyers, and not to presume to divert or hinder them in their passage to those places you have directed them. And in those Passports you shall require all his Majesties Officers and Ministers to be aiding and assisting; and the like Passports your Deputies shall give from those places, where they shall make any Provisions for your direction.

If in the Execution of this service you shall find any defect in the Commission, Power and Instructions given you, or your Deputies, you shall further advertise the same unto one of the principal Secretaries of State, that so it may be supplied.

Lastly, howsoever there is a fee allowed you in the establishment of the Army, yet because other sums may peradventure be necessarily expended both in respect of the charge of your Deputies, as many other ways, his Majesty hath given order that the same shall be from time to time payed unto you upon such Bills as you shall present unto the Lord Treasurer and Chancellor of the Exchequer, and which they shall allow of. Dated and Signed as the Warrants.

An



An open Warrant directed to all his Majesties Lords Lieutenants of Counties, their Deputies, Justices of Assize, Justices of Peace, Sheriffs, Mayors, and to all Admirals, Vice-Admirals, Bayliffs, Headboroughs, Constables, and all other his Majesties Officers and loving Subjects whatsoever.

**W**hereas his Majesty by Commission under the Great Seal of England, bearing date the first of April, hath been pleased to nominate and appoint John Gibbon Esq; to be Commisary and provider of all manner of provisions for the horse belonging to the Army, now going towards the Northern parts; As likewise for providing all manner of Carriages as well by Land as by Water, and whatsoever else shall be incident and necessary for that service as more at large doth appear by the said Commission: And for that the due and diligent execution of this service doth highly concern the prosperity and good success of his Majesties Affairs; These shall be in his Majesties Name, strictly to charge and require all those his Ministers whom it doth concern, and especially those to whom these presents are directed, to be furthering, aiding and assisting unto the said John Gibbon his Agents and Deputies in the execution of the said Commission. And in case any person or persons shall be found disobedient or refractory in the performance of whatsoever may conduce to the execution and discharge of the said Commission and duly required from the said Commisary, They shall proceed by all lawful means and ways for the exemplary and speedy punishment of such Offenders at their utmost perils. Dated at White-hall the second of April 1640.

Concerning Provisions for Horse in his Majesties Army in the Northern parts.

Twelve of these Warrants were so dated, because they must bear date after the Commission.

Signed,

Lord Archbishop of Canterbury.

Lord Keeper.

Lord Treasurer.

Marquess Hamilton.

Earl Marshal.

Lord High-Admiral.

Lord Chamberlain.

Earl of Salisbury.

Lord Goring.

Mr. Treasurer.

Mr. Comptroller.

Mr. Secretary Windebanke.

Lord Chief Justice of the Common Pleas.

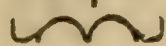
A Letter directed to the Lords Lieutenants of the several Counties mentioned in the List immediately following: which Letter was dated May, 5.

**W**T Hereas by our Instructions dated the 26th of March last sent together with his Majesties Letters for pressing of Foot, within that County of your Lordships Lieutenancy for defence of the Realm, your Lordship was (amongst other things) prayed to take order that the said men to be raised, should be appointed to meet in Companies of one hundred apiece at particular Rendezvous in that County most convenient for every hundred

Concerning the Souldiers that are to march by



1640.



dred men till the 10th of this Instant May, to be weekly exercised by such Officers as the Lord General should send down; and to be brought the 10th of May to the General Rendezvous, which your Lordship was by our said Instructions to appoint on the Confinnes of that Shire most convenient for the said Souldiers march towards Newcastle upon Tine; at which General Rendezvous in that County the said men were to remain till the 20th of this Instant May, to be there exercised and put in order for their march towards Newcastle: we are now by his Majesties expresse directions and Command, hereby to pray and require your Lordship to take present and effectual order, that the said men be not brought to the General Rendezvous of that County till the first of June next; but that they be continued to be exercised once every week at their particular Rendezvous until that day, and then repair to the General Rendezvous of that County, and remain there till the tenth of the same June, to be exercised and put in order for their march towards New-castle, according to our former Instructions of the 26th of March last: which said Instructions your Lordship is to cause to be carefully pursued and observed in all other particulars without delay. And so we bid your Lordship, &c. Dated May 5. 1640. Signed by the

Lord Archbishop of Canterbury.  
Lord Privy Seal, &c.

*A List of the Souldiers that are to march by Land.*

|             | Men. |              | Men. |
|-------------|------|--------------|------|
| Berks.      | 600  | Merioneth.   | 100  |
| Brecknocke. | 200  | Monmouth.    | 250  |
| Bristol.    | 200  | Montgomery.  | 200  |
| Cardigan.   | 150  | Northampton. | 550  |
| Carmarthen. | 250  | Dorset.      | 600  |
| Carnarvon.  | 160  | Oxford.      | 600  |
| Chester.    | 500  | Pembroke.    | 300  |
| Cornwall.   | 600  | Radnor.      | 100  |
| Denbigh.    | 200  | Rutland.     | 60   |
| Devon.      | 2000 | Salop.       | 500  |
| Flint.      | 080  | Somerfet,    | 2000 |
| Glamorgan.  | 200  | Southampton. | 1300 |
| Glocester.  | 1500 | Stafford.    | 300  |
| Hereford.   | 300  | Warwick.     | 500  |
| Leicester.  | 400  | Wilts.       | 1300 |

Letters were directed to the Lords Lieutenants of the several Counties particularly expressed in the List mentioned in the former Letter.

Touching the  
Souldiers that  
are to be sent  
by Sea.

**W** Hereas by our Letters of Instructions dated the 26th of March last, sent together with his Majesties Letters for pressing of Foot within that County of your Lordships Lieutenancy, for defence of the Realm, your Lordship



Lordship was ( amongst other things. ) prayed to take order, that the said men to be raised, should be appointed to meet in Companies of one hundred apiece at particular Rendezvous in that County, most convenient for each hundred men till the of this instant May, to be weekly exercised by such Officers as the Lord General should send down, and to be brought the said of May to the General Rendezvous, which your Lordship was by our said Instructions to appoint on the Confines of that Shire, most convenient for the said Souldiers march to Gravesend, at which General Rendezvous in that County, the said men were to remain till the of June next, to be there exercised and put in order for their march towards Gravesend: We are now by his Majesties expresse directions and command, hereby to pray and require your Lordship, to take present and effectual order, that the said men be not brought to the General Rendezvous of that County till the first of June next; but that they be continued to be exercised once every Week at their particular Rendezvous until that day; and then repair to the General Rendezvous of that County, and remain there at the charge of that County, till the tenth of the same June, to be exercised and put in order by such Officers as are or shall be sent thither for that purpose, by the Lord General, till such time as his Lordship shall give order for their marching to Gravesend to be there shipped; but all the said men are to enter into the Kings pay the tenth of June next, albeit they shall not march thence so soon; and are to deliver up the Arms borrowed of the Trained Bands, when they shall march out of that County: and for all other particulars concerning this service, your Lordship is to cause our former Instructions to be carefully pursued and observed. And so, &c. Dated the sixth of May 1640. Signed by

Lord Arch-bishop of Canterbury.  
Lord Keeper.  
Lord Treasurer.  
Lord Privy Seal.  
Lord Marquess Hamilton.  
Lord Admiral.

Earl of Dorset.  
Lord Goring.  
Lord Cottington.  
Lord Newburgh.  
Mr. Treasurer.  
Mr. Secretary Windebank.

*A List of the Souldiers that are to be sent by Sea.*

*Gravesend.*

*Tarmouth.*

|               |     |             |     |
|---------------|-----|-------------|-----|
| Suffex.       | 600 | Huntington. | 400 |
| Surrey.       | 800 | Suffolk.    | 600 |
| Kent.         | 700 | Northfolk.  | 750 |
| Cinque-ports. | 300 | Cambridge.  | 300 |
|               |     | Bedford.    | 400 |

*Harwich.*

*Grimsby.*

|             |      |             |     |
|-------------|------|-------------|-----|
| Middlesex.  | 1200 | Lincoln.    | 200 |
| Hertford.   | 650  | Nottingham. | 300 |
| Essex.      | 700  | Darby.      | 400 |
| Buckingham. | 500  |             |     |



1640.

And lest the Scots might have some design upon *Berwick* a place of great importance, care was taken to prevent any surprise, by removing such Scots and their Families as had retired thither, by order from the Board directed to the Lieutenant Governour Sir *Michael Earnley*, as followeth:

A Letter directed to Sir *Michael Earnley* Knight, Lieutenant Governour of his Majesties Town and Garrison of *Berwick*.

Care taken of *Berwick* and the Scots who fled thither for Refuge.

*W*Hereas his Majesty hath been advertised that divers persons of sundry qualities have for their relief and safety in this troublesome time, been enforced to remove themselves and their Families out of Scotland, and have taken up their residence within the Town of *Berwick*; which because it imports his Majesties Service, that Town should be kept as free and empty of People as conveniently may be, now that his Majesties Army is to approach those parts; It was his Royal Pleasure consideration should be taken thereof at this Board, and such order given therein as might be requisite, both for his Majesties Service, and also for the fit accommodation of those refugiat persons: We after mature deliberation have thought fit hereby to require you, to cause all such persons to remove with their Families out of the said Town, to the full distance of miles hitherwards. At which distance from the Borders his Majesty will be pleased they may reside and continue, but not come nearer the City of *London* than the County of *York*. And for their remove from thence, they are to have seven days warning; and are to be dismissed with all fair respect and such assistance from you, as may most conveniently be afforded unto them according to their several qualities and conditions. But for such persons of quality as repair thither, having but little company with them, and shall have occasion to make only a short stay there, being to pass forward, either to attend or to serve his Majesty, you are not to understand them to be included in this our Order; wherein not doubting of your care, and requiring an Account from you of your proceedings, we bid you, &c.

Dated April, 18. 1640.

Care taken to secure *London* and *Westminster* from Tumults, to which they were daily instigated by Seditious Libels.

The discontented Party of the City having also by the late Tumult and Insurrection shewed their disposition to mutiny, and their being every day and almost hour more Libels posted up in several places, to instigate the inconsiderate multitude to such disorders, Warrants were directed to the Lord Mayor, the Lord Lieutenants of *Surry* and *Middlesex*, to raise the Trained Bands, and that strict Watches should be kept, to prevent the dangers and inconveniencies which might happen from such illegal and riotous Assemblies.

Popish Books burnt, the King and his Ministers upon all occasions ready to manifest their detestation of Popery.

And to satisfy the People of the disinclination of his Majesty to Popery, with which Calumny the People were secretly incensed against him and his Government, there was an Order of the Privy Council, May 17. for the publick burning of several Popish Books, which Order was as follows:

On



1640.

On the 17th of May, 1640. it was also thus ordered by the Privy Council.

**W** Hereas there was lately found in the house of one Alexander Lea a Taylor dwelling in Blomesbury a Trunk belonging to one Mary Silvester, wherein was locked up to the number of 200 Popish Books or thereabouts all in English, viz. Jesus Psalters, Invectives and Rhimes against Luther and Calvin, Rhimes Testaments, Preparative Prayers to the Mass, Manuels, and other superstitious Prayer Books and Catechisms, such as by the Law of this Kingdom ought to be burnt; It was this day ordered, his Majesty present in Council, that all the said Popish Books, shall be forthwith delivered to the Sheriffs of the City of London who are hereby authoris'd and required to cause all the said Books to be brought into Smithfield, and there in the Market place, between ten and eleven of the Clock in the Morning on a Market day laid upon a heap and all publickly burned by the Hangman.

Order for the burning of Popish Books.

A great part of the Army being now raised in the several Counties, the difficulty was to procure money for their payment, that so they might be kept together, and demean themselves orderly in their march to the Rendezvouz in the North; The Treasury was exhausted by the former expedition, the Contributions of the Nobility and Gentry proved far short of answering the charge of the War, and his Majesty was out of the possibility of a supply in the ordinary and legal way; the aversion which the Parliament had manifested to the War, having occasioned that unhappy and sudden dissolution. These perplexing Extremities forced his Majesty to enter upon such Counsels for raising Money, as his Enemies made use of to inflame and exasperate the Nation against his Ministers and Government, and to swell the present and future Complaints of Grievances to that fatal height and issue to which afterwards they unfortunately came. The several Counties were charged to raise Sums of Money to apparel the new Levies, and to defray their Charges in their March to the North; this was called Coat and Conduct-Money, and was by many able and substantial men, especially such as stood ill-affected to the present Proceedings notably opposed.

His Majesties insuperable necessities put him upon raising Money by such Methods as displease the People.

However to justify his Majesties Intentions of repaying the Money so raised, it will not be amiss to insert the Letter directed to the Lord Mayor of London, as follows:

Coat and Conduct-Money.

**B**Y his Majesties Letters dated in March last sent herewith, you shall understand his Majesties Pleasure and Intention for the levying of Four Thousand Foot within the City of London and Liberties, to go in this present Expedition into the North parts; By which Letters your Lordship is referred to us for such instructions and directions as shall be requisite for that Service; We have therefore thought good hereby to pray and require your Lordship to take order in the first place, that Coat and Conduct-Money be Levied for them, so as it may not fail to be ready by that time the said men shall be raised; and that there be an especial care had in the choice of the men, that they be of able bodies, and of years

A Letter for Levying Four Thousand Men in London, and for Coat and Conduct-Money for the Expedition into the North.



I 640

years meet for this employment, and well cloathed; but none of the said men are to be taken out of the Trained Bands, which you are still to keep entire: Care is likewise to be had, and expresse order to be given, that the men to be levyed, be all in a readines to march away by Land by the first of *July* next; and that they be brought by their Conductors to such Rendezvouz as our very good Lord the Earl of *Northumberland*, Lord General of his Majesties Army shall direct, there to be delivered to such Captains or Officers, as shall be appointed by his Lordship to receive them. And for that it will be uncertain, what Conduct-Money will suffice for them, we think fit that they be allowed Eight Pence apiece *per diem* sterling, for fourteen days from the time they shall be delivered to their Conductors, under whose Leading they are to March by reasonable journeys to the place of their said Rendezvouz, which we expect shall not be under fifteen miles a day. And we further pray and require your Lordship to make choice of fit and able Conductors, and to make a reasonable allowance, according to the presidents of former times, having regard to the proportion and number of men they are to Conduct; enabling them with some Assistance to keep their men from stragling and pilfering the Country as they go, or from running from their Colours. And your Lordship is further to take care that they be commodiously provided of Coats. All which Money to be employed for the Coating and Conducting of the Soldiers, and pay of the Conductors, you are to take order that the same be Levied in the City and Liberties, according to the presidents of former times upon other like occasions of Service. And it is his Majesties pleasure, that the said Moneys so disbursed, shall upon a just Accompt thereof made, be repayed again out of his Majesties Exchequer, as in former times upon the like occasion. And we do likewise pray and require your Lordship, that at the delivery of the men to the Conductors aforesaid, the number and names of the Persons may be received by Indenture between the said Conductors and such as shall have charge by your Commandment to see the men delivered to them. Whereof one Duplicate is to be sent to the Board, and another to the Lord General, to the end there may be an Account given when the same shall be required.

At



At the Court at White-hall, on May 7.  
Present

The Kings Most Excellent Majesty.

Lord Archbishop of *Canterbury*  
Lord Treasurer  
Lord Privy Seal  
Lord Marquess *Hamilton*  
Lord Great Chamberlain  
Lord High Admiral  
Lord Chamberlain  
Earl of *Salisbury*  
Earl of *Holland*  
Earl of *Berks*

Lord Lieutenant of *Ireland*  
Lord *Goring*  
Lord *Cottingham*  
Lord Viscount *Wilmot*  
Lord *Newburgh*  
Mr. Treasurer  
Mr. Comptroller  
Secretary *Windebanke*  
Lord Chief Justice of the *Common Pleas*.

**H**is Majesty and their Lordships taking into consideration the great and supine negligence of the High Sheriffs of divers Counties, in the execution of his Majesties Writs for Ship-money issued in November last, and resolving that a round course shall be forthwith taken for punishing of them according to their demerits; it was this day ordered, that Mr. Attorney General shall be hereby prayed and required to send for the present High Sheriffs of the Counties of London, Middlesex, \* York, Berks, Surrey, Liecester, Essex and Northampton, and to examine them concerning their proceedings and performance of that service, and to proceed against them for their contempt and neglect in so important a service, in the Star-Chamber or otherwise with all convenient expedition, as his Majesties said Attorney shall see cause.

Touching proceedings to be had against Sheriffs for their contempts and neglects in Ship-service.

\* Sir Marmaduke Langdale then Sheriff.

The Lord Mayor and Aldermen of the City of London were required to attend the Board, and to give an account of the names of all such persons in their severall Wards as were able to lend his Majesty upon security the sum of 200000 l. and what proportion every of the said persons may be thought of Ability to lend towards the raising the said sum; and upon the refusal of Sir Nicholas Rainton, Alderman Soams, Atkins and Geere to comply with his Majesties request, they were by order of the Board committed; Soams to the Fleet, Atkins to the Kings-Bench, Sir Nicholas Rainton to the Marshalseas, and Geere to the Gate-house.

Indeavours to borrow 300000 l. of the City upon security. Rainton, Soams Atkins and Geere four Aldermen. Committed for refusing.

Many other expedients were tryed for the raising Money: the Bullion in the Mint was ordered to be seized, but the Merchants immediately with great discretion and humility, representing to his Majesty and Council the great and certain prejudice it would be to his Majesties Honour, Reputation and Interest both at home and abroad, that design was quickly laid aside, only 40000 l. was taken up of the Merchants concerned in the Mint upon the Credit of the Customs, which was afterwards punctually repaid.

Order to seize the Bullion in the Mint.

All the Pepper under the Exchange was also bought upon credit of the Merchants, and sold again for ready Money at a considerable loss.

Nay, to such hard conditions was this great Prince reduced by his rebellious Subjects on one hand, and the obstinacy of the Parliament to assist him in a legal way on the other, that there was a design to embase the Silver Coin of the Nation for the payment of the Army; but after many days

The King buys the Pepper kept under the Exchange. A design to make Copper Money.



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days debate in the Council upon it, after hearing the opinion of Sir Thomas Rowe at the Board it was laid aside.

*Sir Thomas Rowe his Speech at the Council Table, touching Brass Money, or against mixing Brass Money with Silver, with many notable Observations thereupon, July, 1640.*

*My Lords,*

July 1640.  
Sir Thomas  
Rowe his  
Speech against  
brass Money.

Since it hath pleased this Honourable Table, to command, amongst others, my poor Opinion concerning this weighty Proposition of Money; I must humbly crave pardon, if with that Freedom that becometh my duty to my God and Gracious Master, and my obedience to your great commands, I deliver it so.

I conceive this intended Project of infeebling the Coyn, will intrench very far both into the Honour, Justice and Profit of the King.

All Estates do stand *magis fama quam vi*, as Tacitus saith of Rome; and Wealth in every Kingdom, is one of the essential marks of their Greatness; and is best expressed in the measures and purity of their Moneys. Hence it was, that so long as the Roman Empire, a Pattern of the best Government, held up their Glory or Greatness, they ever maintained with little or no change the Standard of their Coyn: but after the loose time of Commodus had led into need by excess, by that shift of changing the Standard, the Majesty of that Empire fell by degrees: And as Vopiscus saith, the steps by which that State descended, were visible most by the general alteration of their Coyns; and there is no surer symptoms of Consumption in State, than the Corruption of Money.

What renown is left to the Posterity of Edward I. in amending the Standard both in purity and weight, from that of elder and barbarous times? It must needs flick as a blemish upon Princes that do the contrary.

Thus we see, it was with Henry VI. who after he had begun with abating the measures, he afterwards fell into abasing the matter, and granted Commission to Missend and others, to practise Alchemy to serve his Mint.

The extremity the State in general felt by this Grievance, besides the dishonour it laid upon the person of the King, was not the least disadvantage his disloyal Kinsman took to ingrace himself into the Peoples favour, to his Sovereigns ruine.

When Henry VIII. had gained as much of Power and Glory abroad, of Love and Obedience at home as ever any, he suffered a loss by this Rock.

When his Daughter Queen Elizabeth came to the Crown, she was happier in Counsel to amend that error of her Father; for it appears in a Memorial of the Lord Treasurer Burleigh's hand, that he and Sir Thomas Smith, a Grave and Learned man, advised the Queen, that it was the Crown and the true Wealth of her Self and People, to reduce the Standard to the antient Parity and Purity of her great Grand-father Edward IV. and that it was not the short end of wits, nor starting holes of devices, that can sustain the expence of a Monarchy, but sound and solid courses: for so are the words. She followed their advice, and began to reduce the Moneys to their elder goodness, styling this work in her first Proclamation Ann. 3. a famous Act. The next year following Ann. 3. having



‘having perfected it, as it after stood, she telleth her People by another  
‘Edict, That she had conquered now that Monster that had so long de-  
‘voured them; meaning the variation of the Standard. And so long as  
‘that said Adviser lived, she never (though often by Projectors importuned)  
‘could be drawn to any shift or change in her Moneys.

‘To avoid the trouble of permutation, Coyns were devised as a rule  
‘and measure of Merchandize, and Manufactories, which if mutable, no  
‘man can tell either what he hath, or what he oweth; no contract can  
‘be certain, and so all commerce both publick and private is destroyed,  
‘and men again enforced to permutation with things not subject to will  
‘and fraud.

‘The regulating of Coyn hath been left to the care of Princes, who have  
‘ever been presumed to be the Fathers of the Common-wealth; upon  
‘their honours they are Debtors and Warrants to the subjects in that be-  
‘half.

‘They cannot, saith *Bodin*, alter the price of Moneys to the prejudice  
‘of the subject, without incurring the reproach of *Faux moneyans*: And  
‘therefore stories term *Phillip de Belle falsificator de monet.* *Integritas*  
‘*debet quæri ubi vultus noster Imprimatur*, saith *Theodoret* the Goth to his  
‘Mint master, *Quidnam erit tutum si nostra peccetur effigie?* Princes must  
‘not suffer their Faces to warrant falshood.

‘Although some are not of opinion with the *Minor des Justices*, the  
‘antientest Book of the Common Law, that *Le Roy ne veut sa money im-  
‘paire ne amander sans l’assent des tous les Counties*, which was the great  
‘Council of the Kingdom: Yet we may pass over the goodness and grace  
‘of many other our Kings, as *Edward I. Edward III. Henry IV. and V.*  
‘and others, who out of the Rule of their Justice, *Quod, ad omnes spectat,*  
‘*ab omnibus debet approbari*, have often advised with their People in Parlia-  
‘ment, both for the Allay, Weight, Number of Pieces, Rate of Coynage  
‘and Exchange; and most with infinite goodness acknowledge the Care  
‘and Justice now of my good Master, and your Lordships Wisdoms, that  
‘would not upon the information of some few Officers of the Mint, be-  
‘fore a free and careful debate, put in execution this Project: yet I must  
‘under your Lordships favour, suspect it would have taken away the tenth  
‘part of every mans due Debt or Rent already reserved throughout the  
‘Realm, not sparing the King; which could have been little less than a  
‘Species of that which the *Roman* Stories call *Tabula nova*, from whence  
‘every Sedition hath sprung; as that of *Marius Grantidianus* in *Livy*,  
‘who pretending in his Consulship, that the Currant money was wasted,  
‘called in and altered the Standard; which grew so heavy and grievous  
‘to the People, (as the Author saith, because thereby no man knoweth  
‘certainly his wealth) that it caused a Tumult.

‘In this last part, which is the dis-profit that the enfeebling the Coyn  
‘will bring both to his Majesty and to the Common-wealth; I must di-  
‘stinguish the moneys of Gold and Silver as they are Bullion and Com-  
‘modities, and as they are measures, the one of the extrinsick quality,  
‘which is at the Kings Pleasure, as all other measures to name; the other,  
‘the intrinsick quality of pure metal, which is in the Merchant to value;  
‘as their measure shall be either to be lessened or enlarged, so is the quan-  
‘tity of the Commodity that is to be exchanged: If then the King shall  
‘cut his Shilling or Pound in Money less than it was before, a less pro-  
‘portion of such Commodities as shall be exchanged for it, must be re-  
‘ceived; it must then of force follow, that all things of necessity, as



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‘ Victuals, Apparel, and the rest, as well as those of Pleasure, must be  
 ‘ enhanced. If then all men shall receive in their Shillings and Pounds a  
 ‘ less proportion of Silver and Gold than they did before this Projected  
 ‘ alteration; and pay for what they buy at a rate enhanced, it must cast  
 ‘ upon all a double loss. What the King will suffer by it in the Rents of  
 ‘ his Lands, is demonstrated enough by the alteration since the 18th of  
 ‘ *Edward III.* when all the Revenues of the Crown came unto the receipts,  
 ‘ *pondere & numero*, after five Groats the Ounce; which since that time,  
 ‘ by several changes of the Standard, is come to five Shillings, whereby  
 ‘ the King hath two third parts of his just Revenues.

‘ In his Customs, the Book of Rates being regulated by Pounds and  
 ‘ Shillings, his Majesty must lose alike, and so in all and whatsoever moneys  
 ‘ that after this he must receive; the profits of his Coynage cannot be  
 ‘ much more permanent, the loss lasting, and so long it tendeth to the di-  
 ‘ minishing of his Revenue; for in every Pound tail of Gold is 7 Ounces  
 ‘ 1 Penny weight and 19 Grains loss, which is twenty five Pounds in account:  
 ‘ and in seven hundred Pound tail of Silver 14*l.* 17*s.* more. And his  
 ‘ Majesty shall undergo all this loss hereafter in all his receipts, so shall he  
 ‘ no less in all his disbursements: the wages of his Soldiers must be rate-  
 ‘ ably advanced, as the money is decreased. This *Edward III.* as appear-  
 ‘ eth by the Accounts of the *Wardrobe*, and *Exchequer*, (as all the Kings  
 ‘ after him) was enforced to do, as often as he lessened the Standard of  
 ‘ the moneys. What shall be bought for his Majesties service, must in like  
 ‘ manner be enhanced on him. As his Majesty hath the greatest profits of  
 ‘ receipts and issues, so must he of necessity taste of the most loss by this  
 ‘ device.

‘ It will destroy or discourage a great proportion of the Trade in *Eng-*  
 ‘ *land*; impair his Majesties Customs; for that part being not the least  
 ‘ that passeth upon Trust and Credit, will be overthrown: for all men  
 ‘ being doubtful of diminution hereby of their personal Estates, will call  
 ‘ in their moneys already out, and no man will part with that which is  
 ‘ lying by him upon apparent loss, as this must bring: What damage may  
 ‘ beal the State by such a sudden change of Trade, is submitted to con-  
 ‘ sideration.

‘ The moneys both of Gold and Silver, former Coyned and abroad,  
 ‘ richer than those intended, will be transported: which I conceive to be  
 ‘ none of the least Inducements that hath drawn so many Goldsmiths to  
 ‘ side in this Project, that they may be thereby Factors for the Strangers,  
 ‘ who by the Law of Mintage, bring but two Shillings Silver to the Pound  
 ‘ weight, and four Shillings for Gold; whereas with us, the one is two  
 ‘ Shillings six pence, and the other five Shillings; many make that profit  
 ‘ beyond the Sea, they cannot here; and so his Majesties Mint will be unset-  
 ‘ of work.

‘ And as his Majesties loss appeareth in the alteration of money a four-  
 ‘ teenth in the Silver, and a twenty fifth part in all the Gold he after shall  
 ‘ receive; so shall it be with the Gentry and Nobility, and all other Landed  
 ‘ men in all their former settled Rents, Annuities, Pensions and sums of  
 ‘ money: the like will fall upon the Labourers and Workmen in their Sta-  
 ‘ tute-wages: and as their receipts are lessened hereby, so are their issues  
 ‘ increased either by improving all prices, dis-furnishing the market, which  
 ‘ must necessarily follow; for in the fifth of *Edward VI.* 3 *Mary*, 4 *Eliz.*  
 ‘ as appeareth by their Proclamations, a Rumour only of alteration caused  
 ‘ such effects; and they punished the Authors of such Reports, with

‘ Im-



‘Imprisonment and Pillory. It cannot be doubted, but the Projecting of  
‘such a change must be of far greater consequence and danger to the State,  
‘and it would be wished, that the Actors and Authors of such disturban-  
‘ces in the Common-wealth at all times hereafter, might undergo a punish-  
‘ment proportionable.

‘It cannot be held an advice of best judgment, that layeth the loss upon  
‘our selves, and the gain upon our Enemies : for who are like to be in this  
‘the greatest thrivers ? Is it not visible, that the Strangers who import  
‘money for Bullion, our own Goldsmiths who are their Brokers, and the  
‘Hedge-Minters of the *Netherlands* ( as one termed them well ) will have  
‘a fresh and full Trade by this abasement ? And we cannot do the *Spanish*  
‘King, our greatest Enemy, a greater favour than by this, who being Lord  
‘of the Commodities by his *West-Indies*, we shall so advance them to our  
‘Impoverishment : for it is not in the power of any State to raise the  
‘price of their own Commodities : But it is the value that their Neigh-  
‘bours set upon them. Experience hath taught us, that the enfeebling of  
‘the Coyn, is but a shift for a while, as Drink to one in a Dropie, to make  
‘him swell the more : But the State was never thoroughly cured, as we  
‘saw in *Henry* the Eighth’s time, and the late *Queens*, until the Coyn was  
‘made rich again.

‘To conclude, If the proportion of Gold and Silver to each other be  
‘wrought to that purity, by the advice of the Artists, that neither may be  
‘too rich for the other, that the Mintage may be reduced to some proporti-  
‘on of Neighbour parts, and that the Issue of Native Commodities may  
‘be brought to overballance the enterance of the Foreign, we need not  
‘seek any shift ; but shall again see our Trade to flourish, the Mint, as  
‘the Pulse of the Common-wealth, again to beat ; and our materials by  
‘Industry, to be Mines of Gold and Silver, ( which we all wish and work  
‘for ) supported unto us, and the honour of Justice, and profit of his  
‘Majesty.

While his Majesty struggled with these difficulties to raise an Army and Money to support them, he was incountred with others no less ominous as to the Event of the future Expedition ; for the Faction who adhered to the *Scots* in their secret inclinations and good wishes, assisted them with all the clandestine Services they could in order to retard the Expedition ; the Soldiers who were raised in the several Counties were infected with the Popular Rumors of the design of Introducing Popery by this Army if, the *Scots* should be reduced to their Obedience ; and the Power of these Suggestions wrought so strongly with those vulgar and credulous Spirits ; that they fell in many places into mutinies and great disorders, and were not without great difficulty kept from deserting their Colours, and disbanding. Lieutenant *Mohun* was slain at a Mutiny near *Farringdon* in *Berkshire*, only upon the suspicion of his being a Papist, and at *Lempster* in *Herefordshire* several were slain. Great were the disorders in *Essex*, and some committed to Prison and Tryed by a special Commission of Oyer and *Terminer*, and several Orders of Council and Proclamations were issued out to the Lord Lieutenants, Deputy Lieutenants, and Justices of the Peace, for repressing these Insolencies and Disorders.

Whilst these Affairs were with much heaviness transacted, and the wheels of War clogged, as well as the sinews of it shrunk and contracted ; there was no less industry used by the Nonconformists, Presbyterians, Independents

Mutinies among the Soldiers in their march to the North.

A Lieutenant and others slain in the mutiny on pretence of being Papists.



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dents and others, to Attaque the Ecclesiastical State at home, great Exceptions were taken at the Convocation and late Canons, and especially at the &c. in the Oath imposed upon the Clergy by the said Synod. Many Exceptions and Queries upon it were spread abroad, and the County of *Devon* Petitioned the Council against the said Oath, as being contrary to the Oath of Supremacy, and against Reformation of the Discipline of the Church, which they alledged many thought very necessary, though no good Protestant would affirm (they said) but that the Doctrine of the Church contained all things necessary to Salvation. But the Storm was principally intended against the Archbishop of *Canterbury*, who was now become one of the chief Objects of the Popular hatred in *England*, and of the Presbyterians their Brethren in *Scotland*: And indeed the first fury of the Tempest fell upon his head, but in conclusion overthrew the whole Fabrick of the Church both Discipline and Doctrine, by letting in a Deluge of Errors and Heresies of several Names and Kinds, as in the sequel of this History will fully appear.

The *London* Ministers had many secret meetings about the Oath and Canons as appears by this Paper of Information sent by Sir *John Lamb* to the Archbishop, remaining in the Paper-Office.

Principal Persons against the Oath in the late Canons of the Clergy of *London*, who met *August 6. 1640.* at *Dr. Downhams*, to get hands to a Petition.

|                                                                 |                                              |
|-----------------------------------------------------------------|----------------------------------------------|
| <b>D</b> R. <i>Downham</i> of <i>St. Bartholomew Exchange</i> . | <i>Mr. Goodwin</i> of <i>Colemanstreet</i> . |
| <i>Mr. Calamy</i> of <i>Aldermanbury</i> .                      | <i>Mr. Jackson</i> of <i>Woodstreet</i> .    |
| <i>Dr. Burges</i> of <i>Walthamston</i> , and                   | <i>Mr. Brow</i> of <i>Fenchurch</i> .        |
| Lecturer at the <i>Bridgefoot</i> .                             | <i>Dr. Westfield</i> .                       |
|                                                                 | <i>Mr. Offspring</i> of <i>St. Antlins</i> . |

And amongst many Complaints against the &c. in the Oath, I find a Petition in the Paper-Office with an &c. which plainly shews that it was refused rather because it was imposed, than by them thought unlawful.

### To the Kings most Excellent Majesty :

*The Humble Petition of the Ministers, Schoolmasters, and Practitioners in Physick in the County of Dorset and Diocess of Bristol*

Most humbly Sheweth,

**T**HAT they have hitherto submitted themselves unto the Government Ecclesiastical by Archbishops, Bishops, &c. Established within this Realm, and intend to do no otherwise for the time to come: That there is at present urged upon them an Oath strictly forbidding their consent to any alteration of the said Government at any time hereafter.

Now forasmuch as the said Oath is conceived in ambiguous terms, and subject to doubtful misconstruction, and because your Petitioners conceive in their best Understanding the same implieth a Contradiction to the Oath of Supremacy formerly taken by them, for that they must by this Oath swear



swear never to consent to the alteration of things in their own nature alterable, and which may upon just cause be altered by that Supream Power wherewith Your Majesty is by the Laws of this Realm invested in Matters Ecclesiastical, which by their former Oath they have acknowledged and promised to Your Majesty, Your Heirs and Successors all Obedience thereunto and Assistance therein, Your Petitioners therefore invited by Your Majesties Gracious Promise in Your late Declaration of relieving the just Grievances of Your Subjects, humbly cast themselves upon Your Royal Clemency and Grace, and do with all humble Submission beseech

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*That Your Majesty would be graciously pleased to give Order that this Oath so grievous to the Consciences of Your Majesties Faithful and Loyal Subjects may not be imposed upon them, and the Petitioners (as in all Duty bound) shall ever pray for Your Majesties long Life and happy Government.*

It will not be amiss to insert a branch of a Letter of the judicious Dr Saundersens, afterwards Bishop of Lincoln about the Oath.

### Doctor Sander son's Letters to the Archbishop of Canterbury concerning the Oath.

—But in the mean, finding to my great grief (as well by the Speeches of some in these parts, as by Letters from others farther off) the great distast that is taken generally in the Kingdom at the Oath injoynd by the late Canons: I held it my bounden Duty, rather to hazard the Reputation of my discretion, than not faithfully to give your Grace some intimation thereof. The Oath it self I have perused as advisedly as my understanding would serve me; and examined also with my best diligence such exceptions there against, as either by Conference or Letter came to my knowledge. In all which I find no such just scruple, but that I fully resolve by Gods Grace (unless I shall see stronger Reasons than yet I have to the contrary) to take the Oath myself with all willingness and chearfulness; And shall also endeavour as much as in me is, to remove the scruples of others that boggle at it, as I have already done to some, and that (as I hope) with good success. But there are divers Papers, as I hear, that pass secretly from hand to hand, containing large Collections of sundry Reasons against the taking of the said Oath: Two whereof it was my chance to see in the hands of a stranger that passed this way, but could obtain no more (by reason of his hast, and the length of the Writings) than cursorily to look over the heads of the Chief Arguments only; And I could never yet since meet with the Copies of any such Papers, although I have laid for them all I could. But the sight of such Papers, or at least the Buzze thereof, it seemeth hath wrought such a prejudice against the Oath in the minds both of Lay and Clergy; that I am much afraid, that multitudes of Church-men, not only of the preciser sort, (whose dislike is the less to be regarded; because they will like nothing that is not of their own devising) but even such as are otherways every way regular, and conformable, will either utterly refuse to take the Oath, or be drawn thereunto with much Difficulty and Reluctancy: Whereby, how far the disaffection, which is already too great in most of our People, to all publick proceeding may be increased; what encouragement may be given to the Scotch Rebels, and their



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their Favourers; And what other Inconveniencies may ensue thereupon; I am not able to judge. So that unless, either by his Majesties special direction, the pressing of the Oath may be forborn for a time, till his Majesties farther pleasure shall be made known therein; or that some short explanation of such passages in the said Oath, as by reason of their Ambiguity, are most subject to Cavil, and Misconstruction, shall be sent to all the several Persons, that shall have power to administer the same, to be publickly read before the tending of the said Oath; or some other like effectual Provision be made for the removing of those, whether scruples or prejudices wherewith so many Men are so deeply possessed: The peace of this Church is apparently in danger, to be more disquieted (though there be little cause for it) by this one occasion, than by any thing that hath happened in our memories. These things I have made bold to represent to your Graces consideration; presuming upon your Graces known zeal for the Good and Peace of the Church; and favourable affection towards him, who by his Prayers and best endeavours shall ever be ready to approve himself, next under God and the King,

Tour Graces humble and

faithful Servant,

Botheby Paynell,

13 Sept. 1640.

Rob. Saunderson.

All care was taken by the Bishops to give the true sense and Explanation to the said Oath, as appears by this following Paper of the Bishop of Exeter still extant in the Paper-Office.

A clear Explanation of the Clauses which are stuck at, in the Oath, appointed by the late Synod, according to the true sense of the Canon.

1. **T**hat I do approve the Doctrine and Discipline, &c. as containing all things necessary to Salvation. Whereas the separatists on the one side do professedly hold, and maintain, that the Discipline, or Government of the Church of England is Antichristian, and such as must be avoided by those, who would be in the state of Salvation; Confession of Faith by those of the separatists Art. 3. Therefore all that will be saved are bound by God's Commandment with speed to come forth of this Antichristian state, &c. And whereas the Romish Teachers on the other side hold, and maintain that there are many points of Faith necessary to Salvation, besides those, which are contained in the Articles of the Church of England, I do reject both these Errors, and do so far approve the sufficiency and truth of the Discipline, and Doctrine of this Church, as that I do believe there is nothing in any whatsoever pretended Discipline or Doctrine requisite, or necessary to Salvation; besides that which is contained in the Doctrine and Discipline of the Church of England.

2. **N**or will I ever give my consent to alter the Government of this Church by Archbishops, Deans, Archdeacons, &c. And as I do allow the Government by Archbishops, Bishops, Deans, Archdeacons, so I will not upon



upon the suggestion of any factious Persons go about to alter the same as it now stands, and as by due right ( being so established ) it ought to stand in the Church of *England*.

I 6 4 0.

But all was to little purpose, the Cry was set abroad that the Bishops were Papists, or however Popishly affected, and the Current run so strong that there was then no stopping of it, however that Posterity may be convinced that it was only a Popular Clamour, and an Artifice of their Enemies to promote their designed Ruine, I thought it not amiss to insert a Branch of a Letter from the Bishop of *Ely* Dr. *Wren*, then generally reported and reputed a Papist, to the Archbishop of *Canterbury* about the Omission of the word *Popish* in the Duplicate for the Oath, still remaining in the Paper-Office, as follows :

May it please your Grace,

MY humble thanks for your Graces Letters, and my Answer to them have been purposely deferred hitherto, by the occasion of that which your Grace therein wrote to me, touching the Duplicate for the Oath. My Desire was, That when I wrote, I might Certifie your Grace of the Receipt thereof, which upon *Thursday* last ( and not before ) was brought unto me. As soon as I received it, conferring the words of the said Oath ( as it is set forth in the Printed Canon, and was by us in Synod, I well remember, of purpose set down, I missed one emphatical word; for whereas it runs in the Canon [ *And that I will not endeavour by my self, or any other, directly, or indirectly, to bring in any Popish Doctrine, contrary to that which is so Established.* ] In this His Majesties Duplicate ( and so in the Two other which the Messenger had ) that word [ *Popish* ] is wholly omitted. All things considered, I cannot Imagine, but that it's by the default of the Writer : But howsoever, I held it fit to Certifie your Grace thereof; And I humbly Crave of your Grace one word more of direction about it : Till the Receipt whereof, I shall now forbear to do any thing in it.

There is also another Letter there Extant to the same purpose from Dr. *Cosins* then Master of St. *Peter's* Colledge in *Cambridge*, and Vice-Chancellor of the University, who was afterwards Bishop of *Durham*, and at that time voiced to be a strong Papist, and one of the greatest sticklers for Popery in *England*, who yet could not digest the casual Omission of the word *Popish*, but sent to the Archbishop to have that Error of the Scribe Rectified and Amended.

In conclusion for the satisfaction of the People, his Majesty Commanded Secretary *Vane* to write to the Archbishop to suspend the inforcing of the Oath till the meeting of the Convocation, as appears by this following Letter still extant in the Paper-Office.

May it please your Grace,

I Am by his Majesties Command to let you know, that upon several Petitions presented by divers Churchmen, as well in the Diocese of *Canterbury*, as *York*, to which many hands are subscribed as the mode of Petitions now are, against the Oath and Canons made in the last Synod; his Majesties pleasure is,

is,



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is, that as he took order before his coming into these parts, that the Execution of neither should be pressed upon those that were already Beneficed in the Church, which was ordered, and at the Council Board in your Graces Presence; But it should be administred to those that were to receive orders and to be admitted; It is his pleasure now that those should be dispensed withal also, and no prosecution thereof, until the Convocation; And so I humbly kiss your Graces hands and Rest,

Tour Graces most humble servant

York 30th of  
Sept. 1640.

H. VANE.

The King  
draws his Ar-  
my North-  
ward.

Earl of Nor-  
thumberland  
made General  
Earl of Straff-  
ord Lieute-  
nant General.  
Northumber-  
land falls sick.

Notwithstanding all these difficulties, the King draws the greatest part of his Army towards the North, resolving with the rest to follow in person with all diligence, in regard he received certain intelligence, that the Scots Army was advancing, and would certainly be in *England* in *August*. The Earl of *Northumberland* was made General, and the Earl of *Strafford* Lieutenant General, but the Earl of *Northumberland* falling sick, the Lord *Conway* was dispatched away to the Northern Borders with a commanded party to stop the attempts of the Scots in their passage over the River *Tyne*.

His Majesties great care was for the security of *Newcastle*, in which place there was a considerable Magazine of all sorts of Provisions for his Army; and for this purpose I find in the Paper Office the Copy of a Letter written to the Lord *Conway* by his Majesties particular Command in these words.

*August* the 14. 1640. To the Lord *Conway* by his Majesties special Commandment.

My Lord,

**H**is Majesty having understood from a very good hand, that the Rebels of Scotland, have a design upon the Town of *Newcastle*; And in his wisdom, considering the dangerous Blow, that the taking of a place of that Importance would give to his Affairs, hath seriously advised upon a means to prevent it. And therefore hath Commanded me to signifie his pleasure to your Lordship, that you immediately upon view of the Hills, that command the Town toward Scotland; and likewise any other Hill, or place from whence the Town may be Battered, or incommodated by the Enemy, you forthwith cause Redoubts to be erected, and Lines and Trenches to be drawn from one Redoubt to another, and sufficient numbers of Men to be put into these Redoubts, and Fortifications for the defence and securing of those places. And if peradventure you are not furnished with ready Money for such a work, his Majesties pleasure is, that your Lordship shall cause such Inhabitants of the Town as you shall think fit (seeing their own safeties are so much concerned herein) to labour and work in the Fortifications, and to hasten the perfecting of them, for which his Majesty is pleased to promise they shall receive out of the next supply of Moneys that shall be sent thither such satisfaction as shall be fitting. His Majesty expects your Lordships diligence herein, according to the Importance



tance of the business, and a speedy Account of your proceedings, and of the execution of these his Commandments. The Lord General being not well, his Majesty hath Commanded me to give your Lordship those Orders, and this is all I have in Commission from his Majesty, which referring to your Lordships Wisdom, I rest

1640.

The Army in their passage towards Newcastle quartering much in Yorkshire, several Gentlemen of that County Petitioned his Majesty, and made great complaints of the oppression and hard usage they suffered by the Souldiers, which Petition being debated at the Council Board, the Earl of Strafford spake against it, as being, considering the timing of it, and the danger thratned by the Scots, of dangerous example and consequence. This Petition they seconded by another to his Majesty on the 24th of August, which is here inserted to shew how far the Scottish Artifices had prevailed upon many, even of the most Loyal of the English Spirits at that time, to the retarding and ruining that Expedition: for divers of these worthy Gentlemen when afterwards they saw the Vizer off, came to discern their Error, and with their Lives and Estates indeavoured to make reparation for their mistake.

The Gentry of Yorkshire discontented.

*The Petition of the Gentlemen of the County of York.*

Whereas there was an humble Petition lately presented unto your Majesty by divers of the now Petitioners, and others of the Nobility and Gentry of this County, without any intention of Tumult though so conceived, touching the pressure then lying upon the County by the Billeting of Souldiers, with intimation of an hundred thousand pound expended by the County concerning Military Affairs the last year in your Majesties service, the Calculation of which sum by the answer to the said Petition was held exorbitant and much mistaken, the truth whereof and the rest of the Petition we shall in all humility make appear if your Majesty require it, and we most humbly supplicate your Majesty to be graciously pleased, that we be not for the future debarred of the immediate Petitioning to your most Sacred Person, in matters wherein the Publick good and safety of this County shall be interesssed.

The second Petition of the Gentry to his Majesty at York.

And whereas your Majesty did yesterday to our great comfort and encouragement declare your Royal intentions to lead on the Trained Bands of this Countrey to the Frontiers of the same, for the defence and safety of your Royal Person and Countrey, whereto with all chearfulness we humbly offer our best endeavours, with our most humble thanks for so gracious a favour.

Yet so it is, most Gracious Sovereign, that the Poverty of this Countrey is such that we conceive they cannot be drawn to Raise and march without fourteen days pay from your Majesty before they move, upon receipt whereof we are confident they will be ready to march under your Majesties sole Command, to such Rendezvouz as your Majesty shall appoint within this County, humbly desiring your most Excellent Majesty, that seeing the Arms of this County will be twelve thousand Foot, and four hundred Horse, a considerable number, that we may not be disunited upon any occasion of service.



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Phillip Wharton  
 Ferdinando Fairfax  
 Henry Bellasis  
 William Savile  
 Francis Wortley  
 Thomas Gower  
 Jo. Hotham  
 Ed. Stanhop  
 Henry Griffith  
 William Sheiffeild  
 Richard Darly  
 Jo. Ramsden  
 Hugh Cholmeley  
 Hugh Bethell  
 William Strickland  
 Thomas Remmington  
 Thomas Metham  
 Robert Strickland  
 Jo. Legard  
 George Butler  
 Francis Mountone

Henry Cholmeley  
 George Trotter  
 Henry Darley  
 Richard Remington  
 William Franckland  
 Thomas Hebblethwaite  
 Jo. Hotham  
 Christopher Pearcihey  
 Jos. Pearcey  
 Brian Stapleton  
 Phillip Stapleton  
 Ing. Hopton  
 Henry Anderson  
 George Crosbie  
 George Marwood  
 Thomas Hisketh  
 Jo. Anlabie  
 Christopher Legard  
 Jo. Inglebie  
 Mar. Norcliffe  
 With divers others.

The proceed-  
 ings in Scot-  
 land.

Having thus conducted the Reader through the English Affairs, for his more clear information it will be necessary to make a little retrospect to those of *Scotland*; where either by an Error, or the contrivance of the Kings Advocate, the Covenanters, to whom he was a zealous friend, got a very great advantage against his Majesty, as well as for the carrying on their own Designs.

The Parliament of *Scotland* was to meet on the second of *June*; but the King foreseeing the Consequences of that Session, had sent an order to the Justice Clerk to Prorogue it, with Command to carry along with him for the performance of the service, the Kings Advocate, who for some time before; for Maladministration of his Office, and secretly both favouring and assisting the Covenanters, was under confinement to his own House at *Fife*. The Advocate was not a little pleased with the honour of the Employment, and the releasement of his Confinement, and possibly with the opportunity he had to serve the Interest of his Party.

Now for the better understanding of this Transaction, it is to be known, that when the Earl of *Traquair* had his Commission under the Broad Seal, there was also another Commission granted under the Quarter Seal, to the Lord *Elphinstown*, the Lord *Napier*, the Kings Advocate, and the Justice Clerk, by which they or three of them were impowered to act as Commissioners in *Traquair's* absence, and upon his orders, the Advocate judged it unnecessary to fill up a Blank that was sent down to be made use of, if occasion required, to make the Prorogation legal, and therefore resolved to require one of the other two to concur with himself and the Justice Clerk in the Prorogation. The Parliament being \* Fenced, and the Members

\* Fencing is a  
 Ceremony  
 used in the

Parliaments of *Scotland* at the opening of a Session, the meaning is this, there must be then present, the Constable, the Marshal, the Provost of *Edinburgh*, the Sheriff of *Lowthian*, and a Doomster, if all these be present the Parliament is said to be Fenced, if any of them be absent, the King must name others for the service of that day.

met,



met, the Kings Advocate required the Lord *Elphinstown* who was first in the Commission, to go up with them to the Throne, to execute the Kings Commands. The Commission being read, they were thereby only inabled to act by Order from the Lord Commissioner, and therefore called for *Traquair's* Warrant: The Advocate alledged, that as when the King himself is present the Power of a Commissioner ceases, so also, when his Warrant is produced, there is no necessity of one from the Commissioner. But *Elphinstown* stood upon the Letter of the Commission which referred them to act by *Traquair's* Order, and found not himself legally warranted to Prorogue the Parliament; with his Judgment concurred the Lord *Napier*, who was another Commissioner, so that the Advocate and Justice Clerk could do nothing in it but take \* Instruments upon it.

However the miscarriage is to be charged, the Effects proved extremely pernicious to his Majesties Affairs; for hereupon, the Members of Parliament proceeded to Vote themselves to be in a Parliamentary Capacity, as being at first Summoned by the King, and Adjourned to this day. Whereupon they immediately fall to Enacting what they had designed the year before, and their Acts though of the greatest Importance, meeting with little debate, and less opposition, were almost as soon dispatched as offered. All which with two high Declarations, one in the Front and the other in the Reer, were sent to the Earl of *Lanerick*, with the following Letter written by a Committee of Lords, whom they left to sit at *Edenburgh* to attend the Kings Answer concerning the said Acts sent up to his Majesty by their Commissioners.

Right Honourable,

**I** T is not unknown to your Lordship, with what difficulties this Kingdom hath wrestled this time past, in Asserting their Religion and Liberties against the dealings of bad Instruments with his Majesty to the contrary. The means which they have used, have been no other, but such as they humbly petitioned and obtained from his Majesty, a free National Assembly and Parliament. The Assembly went on in a fair way, and was closed with the liking and full consent of his Majesties Commissioner; but the Parliament Indicted by his Majesty was prorogued, till the Reasons of the Demands of the Estates were rendred to his Majesty; which having done by their Commissioners, they kept the second of June (the day appointed by his Majesty) for the sitting of the Parliament: and after diligent Enquiry, hearing nothing from his Majesty nor his Commissioner, neither by their own Commissioners or any others sent from his Majesty, which might hinder the Parliament to proceed to the settling of their Religion and Liberties, after mature deliberation, and long waiting for some signification of his Majesties pleasure, they have all with one consent resolved upon certain Acts, which they have adjudged to be most Necessary and Conducibile for his Majesties Honour and the Peace of the Kingdom, so far endangered by delays: and have committed to us the Trust to shew you so much, and withal to send a just Copy of the Acts, that by your Lordship (his Majesties Principal Secretary of Scotland) they may be presented to his Majesty. The Declaration prefixed to the particular Acts, and the Petition in the End contain so full Expressions of the Warrants of the proceedings of the Estates, and of their humble continued desires, that no word needs to be added by us. We do therefore in their Name (according to the Trust committed to us) desire your Lordship (all other ways of Information being



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stopt) with the presenting of the Acts of Parliament, to represent unto his Majesty against all suspicions, suggestions and temptations to the contrary, the constant Love and Loyalty of that Kingdom unto his Majesties Royal Authority and Person, as their Native and kindly Monarch: And that they are seeking nothing but the Establishing of their Religion and Liberties under his Majesties Government, that they may still be a free Kingdom, to do his Majesty all the honour and service that becometh humble Subjects; that their Extremity is greater, through the Hostility and Violence threatned by Arms, and already done to them in their Persons and Goods, by Castles within, and Ships without the Kingdom, than they can longer endure: And that as his Majesty loveth his own Honour and the Weal of this his Antient Kingdom, speedy course may be taken for their relief and quietness; and that if this their faithful Remonstrance (to which as the great Council of the Kingdom they found themselves bound at this time for their Exoneration) be passed over in silence, or answered with delays, they must prepare for their own defence and safety. We are very hopeful, that your Lordship (as a good Patriot, and according to the obligation of your place) will not be deficient in that duty for your Native Countrey, and send us a speedy Answer, as we shall in every duty be careful at all occasions to shew our selves

Your Lordships humble Servants.

Signed,

Palmerino  
Burghly  
Napier  
Thomas Hop  
John Murray  
John Hamilton

George Dundas  
John Smith  
Ed. Egger  
Thomas Patterson  
James Sword.

To which Letter the Earl of Lanerick Replied as followeth:

My Lords,

**B**Y my former of the date of the 23d of June, his Majesty was pleased to promise by me, to let you know within few days his further pleasure concerning those proceedings and desires of the Noblemen, and Barons, and Burgeses, which you sent me to be presented to his Majesty; whereupon he hath now commanded me to tell you, That the Not Proroguing of the Parliament in a Legal and Formal way, was not for want of clear Instructions, and of full and ample Power from his Majesty, he having fully signified his pleasure to those whom he did entrust with the executing thereof, not thinking it fit to employ other Servants of greater Eminence, by reason of the Disorders and Iniquities of the times: and as forced by the importance of his other great and weighty Affairs, he was necessitated to Prorogue the Parliament for some few days, so did he most really intend to perform at the time prefixed, whatsoever he had promised by the Act of Pacification; but neither can the neglect of his Servants, (if any be) nor those other Reasons alledged by the foresaid Noblemen, Barons and Burgeses, in their Declaration for their sitting, satisfie his Majesty



Majesty for their proceeding in a Parliamentary way; since by the Duty and Allegiance of Subjects, they are bound to acknowledge in a most special manner his Transcendent Power in Parliaments. And if Subjects there do assume the Power of making Laws, and Rescinding those already made, what Act can be done more Derogatory to that Regal Power and Authority we are all sworn to maintain? Therefore his Majesty conceives, they cannot in reason expect he can interpose his Royal Authority to these, or any other Acts whatsoever, whereto neither he in his own real Person, nor by his Commissioner did Assist. Yet such is his Majesties Clemency, that when they shall take such an humble and dutiful way, as may witness, that they are as careful and tender of his Majesties Royal Power, as they are desirous of his Approbation, then shall it be time for them to expect such a Gracious and Just Answer, as may testifie his Majesties Fatherly Compassion of that his Native Kingdom, and his Pious and Princely Care of performing whatsoever is necessary for Establishing their Religion and Laws. So thus having imparted unto you all that was enjoyned me by his Majesty, I shall say no more from my self, but I am

1640.

Your Lordships humble Servant,

White-Hall, June 27.

1640.

LANERICK.

**T**His Letter was sent to them by the Lord Lowdon, whose enlargement from the Tower, it was judged, and his own promises would oblige both him and them to some compliances with his Majesty. For the Lord Lowdon having been Committed to the Tower, April 11. and his Majesty being informed by the Lieutenant that he was extreemly fearful, the King was resolved to make the Experiment what his Fears, the hopes of Enlargement, Rewards, and the Favour of his Prince might work upon him; in regard if he could be gained he might greatly influence the Covenanters, who would not be apt to suspect the Counsels of a Person who had been rather irritated, than obliged by the treatment he met with in England, accordingly it came to a Capitulation, and Lowdon gave in these two Papers to the Marquess Hamilton, the one containing his Promises to serve the King, the other his Expectations from his Majesty, upon which he was Enlarged.

I. **T**HE Lord Lowdon doth promise to contribute his faithful and uttermost Endeavours for his Majesties Service, and furthering of a happy Peace, and shall with all possible diligence and care go about the same, and shall labour that His Majesties Subjects of Scotland may in all humility petition, That his Majesty may be Graciously pleased to Authorize a Commissioner with full Power from his Majesty to Establish the Religion and Liberty of that His Majesties Native and Ancient Kingdom according to the Articles of Pacification, and that by a new Convening or Sewon of the Parliament, without cohesion or dependence on what hath been done by themselves without his Majesties Presence, or of a Commissioner to represent his Majesties Royal Person and Power.

II. That if there be not an Army already convened in Scotland in a Body, he shall endeavour that they shall not convene, nor come together



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ther during the time of Treaty, in hope of Accommodation; and if they be already convened in a Body before his return, he will labour that they may dissolve and return to their several Shires, or dispose so of them, that they remain not in one Body, as may best evince that they intend not to come into *England*, but may carry themselves in that respective way, as may best testifie their Duty to his Majesty, and their Desires of Peace.

III. 'That if General *Ruthwen* shall happen to become their Prisoner, they may (as testimony of their desire to shun every thing which may provoke his Majesties displeasure) preserve him, and that the Lord *Lowdon* will shew how far he is engaged for his safety.

IV. 'That when Affairs shall be brought to a Treaty in Parliament, and that his Majesty shall be graciously pleased to settle the Religion and Liberties of the Kingdom according to the Articles of Pacification, he will endeavour that the Kings Authority shall not be entrenched upon, nor diminished, that they may give a real demonstration to the World, how tender and careful they are that his Majesties Royal Power may be preserved both in Church and State.

V. 'That what is done or imparted to the Lord *Lowdon* concerning his Majesties Pleasure shall be kept secret, and not revealed to any here, further than his Majesty shall think expedient.

VI. 'That the Lord *Lowdon* shall (as soon as conveniently he can) return an account of his Diligence.

There was given with this another Paper, which follows:

*Memorandum of what passed betwixt the Marquess of Hamilton and me, June 26. 1640.*

I. 'BEcause no great Matters can be well effectuated without Trust, Fidelity, and Secrecy; therefore it is fit that we swear Fidelity and Secrecy to others, and that I shall faithfully contribute my best Endeavours for performance of what I undertake; and that my Lord Marquess do the like to me.

II. 'Our desire and designs do tend mainly for Preservation of Religion, Laws, and Liberties of the Kingdom, the Kings Honour, and of His Royal Authority, and for establishing of a happy Peace, and preventing of Wars; and we are to advise and resolve upon such ways and means as may best conduce for those Ends.

III. 'If (after using of our utmost Endeavour) it be not Gods will that we may be so happy as to obtain such a Peace in haste, as may content the King and satisfy his Subjects, till differences draw to a greater height, and beginning of Wars, to resolve what is fit to be done in case of such an Extremity, for attaining a wished Peace, and to condescend what course we shall take for keeping of Correspondence.

IV. 'If my Endeavours and Service (which doubtless will put me to a great deal of expence and pains) shall prove useful for his Majesties Service and Honour, and the Good of the Kingdom, which are inseperable, the Marquess will intercede really, and employ his best Endeavours with the King, to acknowledge and recompence the Lord *Lowdon's* Travels and Service, in such manner as a gracious King and Master shall do to a diligent and faithful Servants.

But



But when he arrived in Scotland he found them all in such great heats, that he was able to make good little of his promise more than the delivery of the Letter with which he was charged, to which the Lords at *Edenburgh* immediately returned this Answer:

I 6 4 0.

My Lord,

*WE* received your Lordships Letter of the twenty seventh of June, from the Lord Lowdon, whose Relief out of Prison gives us occasion ( before we Answer your Lordships Letter ) to acknowledge the same as an Act of his Majesties Royal Justice and Goodness, although the pretended Cause of his Imprisonment, was but a malicious Calumny of the Enemies of the Kings Honour and our Peace, forged to engage both his Majesties Kingdoms in a National War. As we cannot but regret, that any Neglect of his Majesties Officers, or absence of his Commissioner, whose presence we did both desire and expect, should hinder the interposing of his Royal Authority to these Acts of Parliament, which were found most necessary for establishing Religion and the Peace of this Kingdom, and which according to the Acts of Pacification, his Majesty was Graciously pleased to promise ; so we have and shall still endeavour, to give demonstration of that tender Respect we have of his Majesties Honour and Royal Power. And whereas your Lordships Letter doth imply, that we should take some other way for the more easie obtaining of his Majesties Approbation, which also by several reasons hath been most instantly pressed by the Lord Lowdon, yet we conceive that Parliamentary way, which was taken by the Estates Convened by his Majesties special Warrant, to have been most Legal and Necessary, and no ways Derogatory to his Majesties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification under his Majesties hand, to Determine all Civil Questions, Ratifie the Conclusions of the Assembly, and remove the present Distractions of this Kingdom, as is more abundantly demonstrated by their Declaration in Parliament hereabout ; so that we dare not take any other course, which may entrench upon their Parliamentary Power or Proceedings, nor will we, ( being so few in number appointed to stay here ) presume of our selves, in a matter of so great moment, to return a more full and particular Answer, till there be a more frequent meeting of those appointed by Parliament, which will be shortly ; and then your Lordship shall be acquainted, that you may shew his Majesty their resolutions and humble desires : and we shall remain

A Reply from the Committee.

Your Lordships Affectionate

*Edenburgh, July 7.*

Friends and Servants,

I 6 4 0.

Signed,

Lindsay  
Balmerino  
Burghly  
Napier  
J. Murray

G. Dunghass  
Ja. Sword  
J. Forbes  
Ed. Eggar.

At



1640.

The Covenanters enter into bond to adhere to their Acts. They raise a Tax of the 10th penny upon Rents.

The hopes of Assistance from a Party in England, The main Encouragement of the Scots Rebels.

At this Convention of the Parliament, the Covenanters Signed a Bond among themselves, whereby they were obliged firmly to adhere to those Acts of their pretended Parliament; as also to prosecute those whom they stiled *Incendiaries* from the beginning of these Troubles, in which number they placed *Hamilton* and *Traquair*, as the Chief in *Scotland*.

That they might make good their Resolves, they therefore proceed in their Usurpations of Sovereignty, and impose a Tax of the Tenth Penny upon all the Rents of *Scotland*, to carry on and maintain this Holy War for Reformation.

Notwithstanding all their indeavours, the Chariots of the Rebellion had driven on very heavily, had it not been for the encouragement they gave their People of strange Assistance they should meet with in *England*, which was the Oyl they constantly applied to the Wheels of their Design; which as it added a Soul and vigour to their undertakings, so it gave a strange damp to all his Majesties Councils and Affairs, which were really clogged by the secret assistances of their Friends, whose backwardness to Assist the King against them was so visible, that they conceived great hopes of Success: and indeed without this they could have been able to do little or nothing, as appears by the Intelligence sent from Sir *Mich. Earnly*, Deputy Governour of *Berwick*, and Sir *John Conyers*, who had their Spyes constantly among the *Scots*, whose Letters to Sir *Francis Windebank*, so much as concerns this, being still Extant in the Paper Office are here inserted.

Right Honourable,

Sir Michael Earnleys Letter to that purpose to Secretary Windebank.

THE Scots Army remain as yet at Choseley Wood, their coming into England is daily expected by the People of Northumberland, divers have removed themselves Southward: if their intention be to Invade England, I do not see they are yet in readiness, for many of their men are yet unarmed, and their number of Foot howsoever magnified I am sure are under Ten Thousand, and their Horse are not above Four Hundred, though Sixteen Troops are nominated. They boast much of the Assistance they are sure to find in England, which I hope will fail them if ever they come thither: if here were but Seven or Eight Thousand Men upon the Borders, I think we need not fear what the Scots could do, &c.

Your Honours most humble Servant,

Berwick, Aug. 12.

1640.

Michael Earnley.

SIR,

Sir John Conyers Letter to the same effect.

BY my last I advertised you that the Scots were Assembled at Choseley Wood where they yet remain; 'tis said they make Preparations to march for England in the end of this Month, and do make provision of Six Thousand Sheep, One Thousand head of Cattle to take with them to feed their Army with, which they say doth consist of Twenty Thousand Men. They intend to pass the River about Wark, and will lodge the first Night at Floddon, the second at Hedgley Moor, the third at Bockingfield Moor, and there stay some time. I believe



believe their Army is not so strong, and I am sure they have great wants, and their People go as unwillingly to the War as ours do, but they are persuaded by their Chief that they have a strong party in England, &c.

I 6 4 0.  
~~~~~

Your Honours humble Servant,

Berwick, Aug. 12.

I 6 4 0.

Jo. Conyers.

This following Letter was also intercepted, and by the Lord Conway sent up to the Secretary of State and is still to be seen in the Paper Office, and however it was hushed up, and the Examination went no further, yet the Event proved that it was a real thing and no fiction.

A Letter received from the Lord Conway, 1640.

The Direction was thus :

Leave this with your honest Host you ken, where he will send it with Care and Speed, and Secrecy, as he doth weekly, for this concerns all your Lives.

Honest and Kind Friend,

Upon Tuesday next all our Lords Conveen together, and as I have a Soul to save, if it were not too much bravery in their Hearts they had been in England before this, for as God help me all their minds were made for Monarchs, which Greatness and True Honour is such a Task to be distributed with that Equipage as to please them all, that it must be Gods wark. And I doubt not but the Lord will have a hand in it, and then they march from thence which I think will be from Dunglass upon Friday without fail to come for England. Trust me, for I heard it from the best of them and therefore provide as you write, and advertise the honest and true Lads that are near you, and they may advertise others which are of the faithful ; for we know as well what the honest King does in his Bed-Chamber as that Papist Wench that lies by his side who is the only Animator on of the best sort of men that are against us. For to say honestly as God bad, there are divers Commanders or brave men of that Whorish Religion, but woe be to them and their Posterity, for the close-fisted Chell will forget them as he doth poor Reuen who is like to dye of a flux with sour drink if God give the Victory to his own. Your own Friend and Kinsman drunk good Success to all, and so did your Lord your own Companion, and the two men, and two or three more you can well guide all. We only fear some few in Northumberland and near by, that are either Popish or Matched with them, and see in their hearts more then we fear thousands of your deboyft bragging Suthern Twingers: For the Lords We had a tryal of them the last year, they have been most of them gotten with Luneyes and Jockeys, save three or four which we fear will be too honest and too ceremonious to a King which hath not a heart to reward the brave, but will spend thousands upon a Mask or brave Organs. The Lord turn his heart from those superstitious vanities, and send him to cherish the faithful, and his honest Countrey-men, and not to hear the Devils Chaplains. My Lord and Chief thanks you for your care of his Letters, and to tell you they had been about a way to make safe all the faithful English, as thus, they will

I suppose R. then Governour of Edinburgh Castle.

G g g

give

1640.

give a Watchword and send it you with all speed, and besides they will let fall as the Army passeth a many Scrouls of Parchment which shall have the word in it. But be sure to provide your selves of Horse or any thing else you think may add to the Lords Cause he will give you threefold, and for your Superstitions the Lord will punish them and the inventors as he did Sodom and Gomorra. So in hast farewell till the next week.

Your honest Friend, &c.

From Scotland, July 23.

My Lord L. Remembers his best respects to you.

Sir John Lamb also sent the Archbishop this following Information, which was found among the Archbishops Papers, and is in the Paper-Office.

Sir John Lambs Information about Intelligences from Scotland, August, 6. 1640.

MR. John Spruells, Mr. John Johnston, and the Laird Mason or Adamson, went down by water, August, 6. 1640. to a Ship in the Downs, called the Expedition which is bound for Newcastle the next Wind. These three are said to have Letters from all parts of England, and have Warrant for Post-Houses from Newcastle toward Edinburgh.

The Letters of Intelligence from Scotland are many of them in Characters, and the matter as of Merchandize, &c. as, Brother James (that is Lesley) Salutes you, and desires to be advertized what Merchant Stanley (that is the Archbishop of Canterbury) doth. What store of Needles and Pins (that is Horse and Foot) shall be sent by the next. How many dozen of Tarn are ready (that is Thousands of Soldiers) what number of good English Stockins they are provided of, (that is what number of English Friends.)

Besides they expresse in Nicknames the King, the Queen, the Queen-Mother, the Archbishop, the Lord Deputy, and many others; the Papists by one Name, and the good Brethren by another.

For News, that the Trunk (that is Edinburgh Castle) had like to have been broken up, two or three of the Locks, (that is Gates) Brother James had gotten ope, but other of the Locks held as yet; some forty or fifty bundles of rotten yarn were lost and proved good for nothing, (that is forty or fifty men were lost in attempting the Castle:) with much other the like.

There is usually a Meeting every Friday at Mrs. Wilsons, at the Nags Head in Cateaten-Street.

Edinburgh Castle Surrendered to the Covenanters.

Part of their Army was sent towards England, whilst Lesley with the rest, lay at and about Edinburgh. For Lesley like an old wary Captain, thought it greatly impolitick to leave behind him such an Enemy as the gallant Ruthwen who was Governour of the Castle; and not long after the said Castle was forced to Capitulate and Surrender for want of Provision, Ammunition and Water, which whether by frequent discharging of the Canon or some other secret Cause, fell so away in the Rock upon which the Castle stands, that the Garrison wanting that Supply fell into diseases and

and died so fast, that the valiant Captain was no longer able to defend the place against so many Enemies within, rather than those without.

About this time there fell out an unhappy difference between the Earl of *Strafford* and Sir *Henry Vane*; the first unkindness took its rise from the Earls assuming the Title of Baron of *Raby Castle*, which was the Seat of Sir *Henry Vane's* Family, from this small spark so great a flame of misunderstanding grew between them, as proved not only prejudicial to his Majesties Affairs, but in conclusion fatal to them both, as in its proper place hereafter will appear.

Upon the fifteenth of *August* the Lord *Conway* writ this following Letter to Mr. Secretary *Windebank*.

Mr. Secretary,

M^{*Y*} time is very short, I now received your Letter, I have within these two hours word brought to me, [I pray you tell my Lord of *Caisterbury*, that it is by that man I did write last to him, that I have sent into Scotland, and gave him sixteen pounds] that the Scotch Army, as he doth assure me upon his Life, and bids me hang him if it be not so, will upon Monday or Tuesday next come into England, that they will upon Saturday be before this Town, which they say they will take or here be broken, from hence they intend to go to Yorkshire, &c.

Your most humble Servant,

Newcastle, Aug. 15.

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Conway and Kilulta.

Whereupon his Majesty in some hast began his journey from *London* towards *York*, and upon the same day being the twentieth of *August*, when his Majesty parted from *London*, and the Scots also entred into *England*, a Proclamation was published, whereby it was declared, That all those of *Scotland* who have already entered, or hereafter shall presume to enter in an Hostile manner into any part of the Kingdom of *England*, and their Adherents, Assistants or others, who shall Supply them with Money, Munition, Victuals or other Provisions, shall be adjudged Traytors against his Majesty, his Crown and Dignity, and incur the Penalties of High Treason; yet the King declares he will forgive the Scots if they will return to Obedience; and professeth it before God and the World as often formerly, and in his late Declaration he hath done; that he never did nor will hinder his Subjects of *Scotland* from enjoying their Religion and Liberties according to the Ecclesiastical, Civil and Municipal Laws of that Kingdom, and according to his Promise and their Desires subscribed by themselves at the Pacification, but that he will govern them as a Just and Religious Prince; in assurance whereof if they will yet acknowledge their former Crimes and Exorbitancies, and in humble and submissive manner crave pardon as penitents for what is past, and yield obedience for the time to come, they shall find that his Majesty will be more sensible of their due Conformity and Obedience than he hath been of their Rebellions, and that he rather desires their Reformation than their Destruction.

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A great misunderstanding between the Earl of *Strafford* and Sir *Henry Vane*.

Lord *Conway* for the Arch-Bishop of *Canterbury*.

The King goes for *York* upon Notice of the Scots being ready to enter *England*.

A Proclamation against the Scots.

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The Commanders and strength of the Scotch Army.

The Scots Enter into England, Aug. 20.

The Scots Justification of their Rebellion and Invasion, dispersed by themselves.

Considerations to justify the Scots Expedition into England.

The *Scotch Army* consisting as was said of Twenty Thousand Foot, Two Thousand Five Hundred Horse, was Commanded by Generay *Lesly* in Chief, the Earl of *Calender* Lieutenant General, *Alexander Hamilton* Major General of the Artillery, Collonel *Bailey* Major General of the Army, besides divers other Noblemen, Barons and Gentlemen, who marched with them as a standing Committee of the Army, consisting of six Noblemen, six Barons, six Burgesses besides the General Officers.

In this condition upon the Twentieth of *August* they passed the River *Tweed*, the ancient boundary between *England* and *Scotland*, at a Ford named *Cald-Stream*, and another something lower; The Earl of *Montrose* leading the Van, and that Night Encamped at *Hirshaw* in *England*. The next day they advanced to *Misfield Moor*, where the Foot Encamped, the Horse Quartering in the adjacent Villages. *Saturday 22.* they came to *Middleton Haugh* near *Wooler*, where their Quarters were beaten up by some Troops from *Berwick* who took three Field Pieces, but were presently forced to quit them and retreat. *Sunday*, They marched to *Branton Field*; *Munday*, To a Hill between the New and Old Town of *Eglingam*. *Tuesday*, To *Nether Wotten*. *Wednesday*, To *Creich*. *Thursday, Aug. 27.* They Encamped about *Newborn* upon *Tyne*, four Miles Westward from *Newcastle*.

At their Entrance into *England* they published two Papers, the one to Justifie the Lawfulness of their Expedition from the unavoidable necessity of it, and the Goodness of their Design the thorough Reformation of Religion: The other to the same Effect to shew their Intentions. Which Papers containing the Seeds of the following Unnatural Rebellion in *England*, in regard they manifestly shew the Perfidiousness of the Covenanters, who violated their fair promises almost with the same breath that made them, as shall immediately appear upon their taking *Newcastle*; as also in regard they discover plainly the Secret Confederacy managed between them and a party in *England*; and that they may be as Buoys and Light-Houses upon this dangerous Coast of Disloyalty, to prevent a Shipwrack upon the same shallows, are for their benefit transmitted to Posterity.

Six Considerations of the Lawfulness of their Expedition into England manifested.

‘ **A**S from the beginning till this time, we have attempted nothing pre-
 ‘ sumptuously in this great work of Reformation, but have proceeded
 ‘ upon good grounds, and have been led forward by the good hand of
 ‘ God; so now, from our own persuasion, are we ready to answer every
 ‘ one that asketh us a reason of this our present Expedition, which is one
 ‘ of the greatest and most notable parts of this wonderful work of God,
 ‘ beseeching all to lift up their minds above their own particulars, and
 ‘ without prejudice or partiality, to lay to heart the Considerations fol-
 ‘ lowing.

‘ *First*, As all men know and confess what is the great force of *Necessity*,
 ‘ and how it doth justifie Actions otherways unwarrantable, so it cannot
 ‘ be denied but we must either seek our Peace in *England* at this time, or
 ‘ lye under the heavy burdens which we are not able to bear.

i. ‘ We

1. We must maintain Armies on the Borders, and all places nearest to hazard, for the defence and preservation of our Countrey, which by laying down of Arms, and disbanding of our Forces, should be quickly overrun by hostile invasion, and the incursions of our Enemies.

2. We shall want Trade by Sea, which would not only deprive the Kingdom of many necessities, but utterly undo our Boroughs, Merchants, Mariners, and many others who live by Fishing, and by Commodities Exported and Imported, and whose particular Callings are utterly made void, by want of Commerce with other Nations and Sea-trade.

3. The Subjects through the whole Kingdom, shall want administration of Justice; and although this time past, the marvellous power and providence of God hath kept the Kingdom in order and quietness without any Judicatories sitting, yet cannot this be expected for afterward, but shall turn to confusion. Any one of the three, much more all of them put together threaten us with most certain ruin, unless we speedily use the remedy of this Expedition. And this we say not from fear, but from feeling: for we have already felt to our unspeakable prejudice, [what it is to maintain Armies, what to want Traffick, what to want administration of Justice.] And if the beginning of these Evils be so heavy, What shall the growth and long continuance of them prove unto us? so miserable a being all men would judge, to be worse than no being.

Secondly, If we consider the nature and quality of this Expedition, it is defensive, and so the more justifiable. For proof hereof let it be remembered,

1. The Kings Majesty misled by the crafty and cruel Faction of our Adversaries began this Years War, not we. When Articles of Pacification had been the other Year agreed upon, Arms laid down, Forts and Castles rendred, an Assembly kept, and concluded with the presence and consent of his Majesties High Commissioner, the promised Ratification thereof in Parliament (contrary to the foresaid Articles) was denied unto us, and when we would have informed his Majesty by our Commissioners, of the reasons and manner of our Proceedings, they got not so much as presence or audience. Thereafter his Majesty being content to hear them, before that they came to Court or were heard, War was concluded against us at the Council Table of *England*, and a Commission given to the Earl of *Northumberland* for that Effect.

2. The Parliaments of *Ireland* and *England* were also convocate, for granting Subsidies unto this War against us, as is notour, Plots have been hatcht, and military preparations made against us: many Invasions by Sea, which have spoiled us of our Ships and Goods: Men, Women and Children killed in *Edenburgh* by his Majesties Forces in the Castle: Our Enemies therefore are the Authors and Beginners of the War, and we Defenders only.

3. We intend not the hurt of others, but our own peace and preservation, neither are we to offer any injury or violence: And therefore have furnished our selves according to our power with all necessities, not to fight at all, except we be forced to it in our own defence, as our Declaration beareth.

4. We shall retire and lay down Arms, as soon as we shall get a sure Peace, and shall be satisfied in our just demands. Upon which ground even some of those who would seem the greatest Royalists, hold the Wars

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of the Protestants in *France* against the King, and the Faction of the *Guians* to have been lawful defensive Wars, because they were ever ready to disband and quiet themselves, when they got assurance of peace and liberty of Religion. Now this present Expedition being in the nature of it defensive, hence it appeareth that it is not contrary, but consonant to our former Protestations, Informations and Remonstrances : In all which there is not one word against defensive War in this cause ; but strong Reasons for it, all which militate for this Expedition.

Our first information sent to *England* this year, though it accurseth all offensive or invasive War, yet sheweth plainly, that if we be invaded either by Sea or Land, we must do as a man that fighteth himself out of Prison. If a private man when his house is blocked up, so that he can have no liberty of Commerce and Traffick to supply himself and Family, being also in continual hazard of his Life, not knowing when he shall be Assaulted by his Enemies who lye in wait against him, may in this case most lawfully step forth with the Forces which he can make, and fight himself free ; of how much more worth is the whole Nation ? and how shall one and the same way of defence and deliberation be allowed to a private man, and disallowed to a whole Nation ?

Thirdly, We are called to this Expedition by that same Divine Providence and vocation which hath guided us hitherto in this great business. We see the expediency of it, for the glory of God, for the good of the Church, for advancing the Gospel, for our own peace : after seeking of God, and begging light and direction from Heaven, our Hearts are inclined to it, God hath given us zeal and courage to prosecute it, ability and opportunity for undertaking it, unanimous resolution upon it, scruples removed out of minds where they were harboured, encouragements to atchieve it from many passages of divine providence, and namely from the proceedings of the last Parliament in *England*, their grievances and desires being so homogeneal and akin to ours, we have laboured in great long-suffering by Supplications, Informations, Commissions, and all other means possible, to avoid this Expedition. It was not premeditate nor affected by us (God knows) but our Enemies have necessitated and redacted us unto it, and that of purpose to sow the seed of National Quarrels : yet as God hitherto hath turned all their plots against themselves, and to effects quite contrary to those that they intended ; so are we hopeful that our coming into *England* (so much wished and desired by our Adversaries for producing a National quarrel) shall so far disappoint them of their aims, that it shall link the two Nations together in straiter and stronger bonds, both of Civil and Christian Love, than ever before.

And that we may see yet further evidences of a calling from God to this Voyage, we may observe the order of the Lords steps and proceedings in this work of Reformation. For, beginning at the gross Popery of the Service-Book, and Book of Canons, he hath followed the back-trade of our defection, till he hath Reformed the very first and smallest Novations, which entred in this Church. But so it is, that this back-trade leadeth yet further, to the Prelacy in *England*, the Fountain whence all those *Babylonish* streams issue unto us : The Lord therefore is still on the back-trade, and we following him therein, cannot yet be at a stay. Yea, we trust, that he shall so follow forth this trade, as to chase home the Beast, and the false Prophet to *Rome*, and from *Rome* out of the World.

World. Besides, this third Consideration resulteth from the former two; for if this Expedition be necessary, and if it be defensive, then it followeth inevitably, that we are called unto it, for our necessary defence is warranted, yea commanded by the Law of God and Nature, and we are obliged to it in our Covenant.

Fourthly, The lawfulness of this Expedition appeareth, if we consider the party against whom, which is not the Kingdom of *England*, but the *Canterburian* Faction of Papists, Atheists, Arminians, Prelates, the misleaders of the Kings Majesty, and the Common Enemies of both Kingdoms. We persuade our selves, that our Brethren and Neighbours in *England*, will never be so evil advised, as to make themselves a party against us, by their defence and patrociny of our Enemies among them, as sometimes the *Benjamites* made themselves a party against the *Israelites*, by defending the *Gibeathites* in their wicked cause, *Judg.* 20. We pray God to give them the wisdom of the wise Woman in *Abel*, who when *Joab* came near to her City with an Army, found out a way which both kept *Joab* from being an Enemy to the City, and the City from being an Enemy to him, *2 Sam.* 20. As touching the provision and furniture of our Army in *England*, it shall be such as is used among friends, not among Enemies. The rule of humanity and gratitude will teach them to furnish us with necessaries, when as beside the procuring of our own peace, we do good offices to them. They detest (we know) the churlishness of *Nabal*, who refused victuals to *David* and his Men, who had done them good and no evil, *1 Sam.* 20. And the inhumanity of the Men of *Succoth* and *Penuel*, who denied bread to *Gideons* Army, when he was persuing the Common Enemies of all *Israel*, *Judg.* 8. But let the *English* do of their benevolence, what humanity and discretion will teach them: For our own part our Declaration sheweth, that we seek not victuals for nought, but for money or security: And if this should be refused (which we shall never expect) it were as damnable as the barbarous cruelty of *Edom* and *Moab*, who refused to let *Israel* pass through their Countrey; or to give them bread and water in any case, *Numb.* 20. *Judg.* 11. and this offence the Lord accounted so inexpressible, that for it he accursed the *Edomites* and *Moabites* from entring into the Congregation of the Lord, unto the tenth Generation, *Deut.* 23. 3, 4.

Fifthly, The fifth Consideration concerneth the end for which this Voyage is undertaken. We have attested the searcher of hearts, It is not to execute any disloyal act against his Majesty, It is not to put forth a cruel or vindictive hand against our Adversaries in *England*, whom we desire only to be Judged and Censured by their own Honourable and High Court of Parliament; It is not to enrich our selves with the Wealth of *England*, nor to do any harm thereto. But by the contrary, we shall gladly bestow our pains and our means to do them all the good we can, which they might justly look for at our hands, for the help which they made us at our Reformation, in freeing us from the *French*, a bond of peace and love betwixt them and us to all Generations. Our Conscience, and God who is greater than our Conscience beareth us record, that we aim altogether at the glory of God, peace of both Nations, and honour of the King, in suppressing and punishing (in a legal way) of those who are the troublers of *Israel* the firebrands of Hell, the *Korbas*, the *Balaams*, the *Doegs*, the *Rabshakehs*, the *Hamans*, the *Tobiabs* and *Sanballats* of our time, which
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done, we are satisfied. Neither have we begun to use a Military Expedition to *England*, as a mean for compassing those our pious ends, till all other means which we could think upon have failed us, and this alone is left to us as *ultimum & unicum remedium*, the last and only remedy.

Sixthly, If the Lord shall bless us in this our expedition, and our intentions shall not be crossed by our own sins and miscarriage, or by the opposition of the *English*, the fruits shall be sweet, and the effects comfortable to both Nations, to the Posterity, and to the Reformed Kirks abroad: *Scotland* shall be Reformed as at the beginning, the Reformation of *England* long prayed and pleaded for, the Godly thereby shall be according to their wishes and desires, perfected in Doctrine, Worship and Discipline. Papists, Prelates, and all the members of the Antichristian Hierarchy, with their Idolatry, Superstition, and humane Inventions shall pack from hence, the names of Sects and Separatists shall no more be mentioned, and the Lord shall be one, and his name one throughout the whole Island, which shall be glory to God, honour to the King, joy to the Kingdoms, comfort to the posterity, example to other Christian Kirks, and Confusion to the incorrigible Enemies.

The Intentions of the Army of the Kingdom of Scotland, Declared to their Brethren of England, by the Commissioners of the late Parliament, and by the General, Noblemen, Barons, and other Officers of the Army.

THE best Endeavours and greatest Works wherein the good Hand and Providence of God have been most evident and sensible, and the hearts and intentions of Men, called to be the Instruments, most pious and sincere, though they found approbation with the Wiser Sort, and such as are given to Observation, yet they have ever been subject to be misconstrued by blind Suspicion, to be reproved by Cavelling Censure, which maketh place for it self to enter, where it findeth none, and to be condemned of the Ignorant, but most of all of the Malicious, seek to approve themselves to every ones Conscience, but in their hearts who cannot be pleased, even when God is best pleased; and when men wish rather that the Temple should not be Built, Religion never Reformed, and they themselves *Issachar* like, couch between the two Burthens, than that they should be in their Worldly Projects or Possessions opposed or troubled. The Deliverance of the People of God of Old from the *Aegyptian* Servitude, the Redemption of the Church by the Son of God, and the Planting of Christian Religion by his Servants, and the Vindication of Religion from *Romish* Superstition and Tyranny, which are the greatest and most wonderful Works of God, have been most bitterly calumniated, and spitefully spurned against by the Wicked.

The Nature and Quality of this Good Work wherein the Lord hath honoured us to be Actors, and the experience which we have found of continual opposition since the beginning, may teach us, if we be not *as the Horse and Mule which have no Understanding*, that we are to expect the gain-saying of Sinners, and that nothing can be hatched in Hell by Satan or prompted by his Supports on Earth, which will not be produced to make us, and the Cause of God which we maintain, odious to all men, but most of all to our Neighbors and dearest Brethren. When we shall

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now enter into *England* it will be laid to our Charge that we mind nothing but Invasion, and that no less hath been intended by us from the beginning, than under the pretext of seeking our Religion and Liberties to enrich our selves with their Possessions and Goods: But our peaceable carriage many years past before the time of those late Troubles, our Informations, Declarations and Remonstrances published to the World, wherein we have cursed all National Invasion, and our willingness when we were in Arms to lay them down, upon the small hopes of enjoying our Religion and Liberties; and our forbearing now, by way of Reprisal, to satisfy our selves upon the Ships and Goods of our dear Brethren of *England*, for those Ships and Goods of ours that have been taken by the Kings Ships, which possibly we might have been able to do, had not Justice forbidden us to take from them, whom we are assured, neither with us harm, nor have done us wrong, will be conceived by the wise and well-affected to be more plain and sure evidences of our meaning, than all that Malice can devise, or Calumny can express against us.


Neither have any new Emergents altered, but rather confirmed our former Resolutions: for although both before and since the late Pacification we have been highly injured by some Papists and Prelats, and their Adherents there, who have been, and are still seeking no less, than that we should no more be a Church or Nation; and therefore themselves cannot think but we must account of them as Gods Enemies and ours: Yet above all the favours we have received from the Good People and Body of the Kingdom of *England*, one there is which hath highly honoured them before the World, and endeared them unto us more than before, which shall never be forgotten by us, and we hope shall be thankfully remembred by our Children, and Childrens Children after us, to all Generations; that when upon mis-information the Council of *England* had concluded to raise Force against us, when the Parliament of *Ireland* had offered their Persons and Estates for Supply against us; when all Plots and Policies were set on work, and publick Declarations by Authority were made, and the Parliament called for this very end, when we had been traduced, and Proclaimed as Traitors and Rebels at every Parish Church, yet so wise, so grave, so just was that High Court of Parliament (to their everlasting Honour be it remembred) that no threatnings nor fears, no promises nor hopes, no fineness nor cunningly devised Suggestion could move them to discern a War, or grant any Subsidy for a War against us, but rather by their Speeches, Complaints and Grievances parallel to ours, did justify the Cause (so much as in them was) which we defend. This rich and recent Favour doth so bind our hearts. that were our Power never so great, we should judge our selves the unworthiest of all men, and could look for no less than Vengeance from the righteous God, if we should move hand or foot against that Nation so comfortably to us represented in that Honourable Meeting. In this our thankful Acknowledgment, we desire that the City of *London* may have their own large share, as they well deserve by the noble profession they have given of their constant affection to Religion, and the Peace of both Kingdoms, notwithstanding the continual assaults of the misleaders of the King against them, always rendring them seditious in his Ears. And if this which doth so convince us shall not be thought sufficient to satisfy all the good People of *England*: We now before God and the World make offer in general, and we make offer to so many of them as shall require it in particular, of the strongest and most inviolable bond of our solemn Oath and Religious attestation of the Great Name of God, who is

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our fear and dread, and from whom we hope for a Blessing upon our Expedition, that we intend no Enmity or Rapine, and shall take no mans goods, nor engage our selves in bloud by fighting, unless we be forced unto it, which we may look for from the Papists and Prelates : But if any such thing shall come from Godly men, or good Patriots, who love the Truth of Religion, or the Kings Honour, and their own Liberty, both the Rule of Charity (which entertaineth no suspicion where there is no evil deserving) and the Soul of Wisdom (which teacheth that both Nations must now stand or fall together) do forbid us to apprehend. All the design of both Kingdoms is for the truth of Religion, and for the just Liberty of the Subject, and all the devices and doings of the Enemy are for the oppressing of both; that our Religion may be turned into Superstition and Atheism, and our Liberty into base Servitude and Bondage. To bring this to pass they have certainly conceived, that the blocking up of this Kingdom by Sea and Land would prove a powerful and infallible means : For, for either within a very short time shall we through want of Trade, and spoyle of our goods be brought to such extream Poverty and Confusion, that we shall miserably desire the Conditions which we now despise, and decline, and be forced to embrace their Will for a Law, both in Church and Policy, which will be a Precedent for the like misery in *England*, who timously foreseeing it may be taught by their and our danger to be more wise; or upon the other part, we shall by this Invasion be constrained furiously and without order to break into *England*, which we believe is the most earnest desire of our common Enemies, because a more speedy execution of their design: For we doubt not but upon our coming Clamours will be raised, Posts sent, and Proclamations made, through the Kingdom, to slander our Pious and Just Intentions (as if this had been our meaning from the beginning) to stir up all the *English* against us, that once being entred in Bloud, they may with their own Swords extirpate their own Religion, lay a present foundation with their own hands for building of *Rome* in the midst of them, and be made the Actors of their own and our Slavery to continue for ever. But in this admirable opportunity of vindicating of true Religion and just Liberty, if Divine Providence be looked upon with a reverent Eye, and men fearing God, and loving the King's Honour, and Peace of both Kingdoms, shall walk worthy of their Profession, although the Enemies have obtained so much of their desires, as by cords of their own twisting, to draw us into *England*, yet may their main design be disappointed, the Rope which they have made brought upon their own necks, and their wisdom turned to foolishness, which we have reason to hope for from that Supream Wisdom and Power which hath in all the proceedings of this Work turned their devises upon their own pates that plotted them.

In our Informations, Remonstrances, and the true Representation of our proceedings since the last Pacification, we have so far expressed the wrongs which we have sustained, and the distresses which we suffer, as may make manifest our pressing necessity to take some other course for our present Relief, than such Petitions, Supplications, and Commissions, as we have used before with less success than could be expected of a Kingdom from their Native King. Before we stirred so much as with a Petition, we endured for many years, not only the continual opposition of the Truth, and power of Religion by Prelates and Papists, but also the violation of all our Liberties, and almost the total subversion of our Religion, which was our comfort in the sight of God, and the glory of this Nation in the sight of other Churches, who by the testimony of their Divines made our Reformation

formation the measure of their Wishes, and would have redeemed it with their greatest worldly losses, when gross Popery was notoriously obtruded upon us in the Book of Canons and Common-Prayer, without consent or knowledge of the Churches; and the Plot of the Prelates and Papists wholly discovered how to settle it in both Nations: We added to our former sufferings no other Arms but Prayers and Tears unto God; and Petitions to our King, which were utterly rejected; the Books and corruptions against which we petitioned highly exalted, and by the insolent Advice of those who govern now his Councils, labour to establish their own ill acquired greatness upon our oppression, and the ruins of our Religion and Liberties. We are forbidden to insist, under the pain of High Treason, when we found our selves thus opposed and born down; still insisting in our humble desires we solemnly renewed our Solemn and National Oath and Covenant for preserving of our Religion and Liberties, and of his Majesties Authority, knowing the violation of that Oath to be the guiltiness which had procured our woes, and that our Repentance and turning to God were the means by his blessing for a good Success: When contrary to our deserving and expectation his Majesty was moved by wicked Counsel to march toward us with an Army, we choosed rather to neglect such courses as might serve for our humane safety, than to fall in seeming disobedience to our King, or to give the smallest distaste to our Brethren in *England*, and therefore disbanded our Forces, delivered all Holds which were craved, in testimony of our Obedience, and so far complied with his Majesties pleasure, that notwithstanding the determination of our lawful former Assembly, called by his Majesty, we were contented that a new free Assembly and Parliament should be appointed, where all things both concerning our Religion and Liberties might again be considered and established. When matters Ecclesiastical were determined in the Assembly according to the Constitutions of the Church, in the presence, and with the consent of his Majesties Commissioner; and the Parliament was convened for perfecting the Work, although we walked therein so warily that no just provocation was given to his Majesty, yet contrary to the Laws and Customs of this Kingdom, the Parliament so certainly promised, when his Majesty was free of those bad Counsellours, was (being again in their power) by their Advice prorogued, which to shew our invincible Obedience we were content to suffer, and did send up our Commissioners to *London* to render the reasons of our Demands. When our Commissioners and Petitions of the Parliament called by his Majesty, were so far rejected, that they were never seen or heard. We send up our Commissioners again with our Propositions, which contained nothing but what was necessary for the Peace and Good of the Kingdom, and was granted to us before under his Majesties hand, yet could they find no Answer at all, which will be wondred at, and hardly believed by so many as are strangers at Court, and know not the Bishop of *Canterbury*, and the Lieutenant of *Ireland*, with the assistance of the too too powerful Faction of the *Hispanioliz'd* Papists labour to shew their zeal for his Majesties Greatness, by oppressing the just Liberties of the free Subjects, and the Reformed Religion in all the three Kingdoms: But in place of the gracious Answer which we expected, our Commissioners were restrained, and one of the Noble Men imprisoned; Garrisons of Strangers set over our heads, in an insolent and barbarous way exercising their Cruelty, even against Women and Children; our Ships and Goods taken and sunk, and the Owners stript naked, and more inhumanely used at the Commandment

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of abused Authority, by the Subjects of our own King, than by Turks and Infidels, and great Armies prepared against us, with a terrible Commission to subdue and destroy our selves, our Religion, Liberties, Laws and all. In this extremity for us to send new Commissioners and Petitions were against sense and experience, those that Govern the Kings Counsels being far from any inclination or intention to satisfy the just desires and grievances of the Subjects, as they have made manifest by breaking up of the Parliament in both Kingdoms, (though we know them to be often countervoted by many of that Honourable Board, more candid and peaceably minded.) To sit still in senselesnes and security, waiting for our own destruction at the discretion of our merciless enemies (which were it not at this time with the Cause of God would move us the less) is not only against Religion, but Nature, teaching and commanding us to study our own preservation. To endure continual threatnings, and so great hostility and invasion from year to year, which is the professed Policy of our Enemies, is impossible, and when we have examined our own strength, more than we are able to bear. We have therefore, after much agitation and debating with and amongst our selves, resolved to have our proceedings, which have been canvased by so many, and are brought to some point of determination in our own Parliament, to be better known to the Kings Majesty, and the World, and especially to the Kingdom of *England*, that against all false and artificial relations, they being nakedly seen to be what they are, we may obtain a better grounded and more durable Peace for the enjoying of our own Religion and Laws; and as we desire the unworthy Authors of our Troubles, who have come out from our selves to be tried at home, and Justice to be done upon them according to our own Laws, so shall we press no further process against *Canterbury*, the Lieutenant of *Ireland*, and the rest of those pernicious Counsellours in *England*, the Authors of all the miseries of both Kingdoms, than what their own Parliament shall discern to be their just deserving. When we look upon this Work of Reformation from the beginning, and perceive the impressions of the Providence of God in it, we are forced in the midst of all our difficulties and distresses to bless God for his Fatherly care and free love to his Church and Kingdom, and to take Courage and Spirit to proceed in Patience and Perseverance whither he shall go before us, and lead us on. When the Prelates were grown by their Rents and Lordly Dignities, by their power over all sorts of his Majesties Subjects, Ministers and others, by their places in Parliament, Council, Colledge of Justice, Exchequer, and High Commission, to an absolute Dominion and Greatness, and setting the one foot upon the Church, and the other upon the State, were become miserably Insolent; even then did the Work begin, and this was the Lord's Opportunity. The beginnings were small, and promised no great thing, but have been so seconded and continually followed by Divine Providence, pressing us from step to step, that the necessity was invincible, and could not be resisted. It cannot be expressed what motions filled the heart, what Tears were poured forth from the Eyes, and what Cries came from the Mouths of many Thousands in this Land at that time, from the sense of the Love and Power of God, raising them as from the dead, and giving them hopes after so great a deluge and vastation to see a new World, wherein Religion and Righteousness should dwell. When we were many times at a pause, and knew not well what to do, the fears, the furies, the peevishness, and the plots of our demented Adversaries opened a way unto us, and taught

taught us how to proceed; and what they devised to ruin us, served most against themselves, and for raising and promoting the Work. O Providence to be Adored! Although neither Council nor Session, nor any other Judicature hath been all this time sitting, and there have been meetings of many thousands at some times, yet have they been kept without Tumult or Trouble, and without Excess or Riot, in better order and greater quietness than in the most peaceable times have been found in this Land. When we were content at the Pacification to lay down Arms, and with great loss to live at home in Peace, our wicked Enemies have been like, the troubled Sea when it cannot rest, whose waters cast up mire and dirt. and will have us to do that which it seems the Lord hath decreed against them. The purity of our intentions far from base and earthly respects, the bent and inclination of our hearts in the midst of many dangers, the fitting of instruments, not only with a desire and disposition, but with spirit and abilities to overcome opposition, and the constant peace of heart accompanying us in our ways, which beareth us out against all accusations and aspersions, are to us strong grounds of assurance that God hath accepted our Work, and will not leave us: We know the Lord may use even wicked men in his Service, and may fill their Sails with a fair gale of Abilities, and carry them on with a strong hand, which should make us to search our hearts more narrowly. But as this ought not to discourage his own faithful Servants, who out of love to his Name intend his honour, walk in his ways, find his peace comforting them, his Providence directing them, and his presence blessing them in their Affairs. So can it not be any just ground of quarrelling against the Work of God. Yet all these our encouragements which have upholden our hearts in the midst of many Troubles, could not make our entry into *England* warrantable, if our Peace (which we earnestly seek and follow after) could be found at home or elsewhere. Where it is to be found we must seek after it, and no sooner shall we find it clearly secured to us, but by laying down our Arms, and by the evidences of our peaceable disposition, we shall make it manifest to the world, and especially to the Kingdom of *England*, that we are seeking nothing else but Peace, and that our taking up of Arms was not for Invasion, but for Defence. No man needeth to plead by positive Law for Necessity. It is written in every mans heart by Nature, and and in all Actions we find men have received it by practice, that Necessity is a Sovereignty. A Law above all Law is subject to no Law, and therefore is said to have no Law. Where Necessity commandeth, the Laws of nature and Nations give their consent, and all positive Laws are silent and give place. This Law hath place, sometimes to excuse, sometimes to extenuate, and sometimes to justify and warrant actions otherwise questionable: and no greater necessity can be than the preservation of Religion, which is the Soul; of the Country, which is the Body; of our Lives, who are the Members; and of the honour of our King, who is the Head. All these at this time are in a common hazard, and to preserve and secure all, we know no other way under the Sun. (And if any be so wise as to know it, we desire to hear it, and shall be ready to follow it) but to take order with our common Enemies where they may be found, and to seek our assurance where it may be given. The Question is not, Whether we shall content our selves with our own poverty, or enrich our selves in *England*? That Question is impious and absurd. Neither is the Question, Whether we shall defend our selves at home, or invade our Neighbours and dearest Brethren? This also were unchristian and unreasonable. But this

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is the Question, Whether it be Wisdom and Piety to keep our selves within the Borders till our Throats be cut, and our Religion, Laws, and Country destroyed? Or, shall we bestir our selves, and seek our safeguard, peace, and liberty in *England*; whether we shall do or die, whether we shall go and live, or abide and perish? Or more largely to express all, Whether we who are not a few private persons, but a whole Kingdom, shall lie under the burden of so many accusations, as scarcely in the worst times have been charged against Christians, receive the Service Book, and the whole body of Popery, embrace the Prelates and their abjured Hierarchy, renounce our solemn Oath and Covenant, so many times sworn by us, lose all our labour and pains in this Cause, and forget our former slavery and wonted desires of Redemption at the dearest rate; tickle the minds of our Enemies with joy, and strengthen their hands with violence, and fill the hearts of our Friends with sorrow, and their faces with shame because of us; desert and dishonour the Son of God, whose Cause we have undertaken, whose Banner we have displayed, and whose truth and power hath been this time past more comfortable to us, than all the peace and prosperity of the world could have rendered, and draw upon our selves all the Judgments which God hath executed upon Apostates since the beginning, and shall we fold our hands, and wait for the perfect slavery of our selves and our Posterity in our Souls, Bodies, and Estates, and (which is all one) foolishly to stand to our Defence where we know it is impossible? Or shall we seek our relief in following the Calling of God (for our necessity can be interpreted no less) and entering by the door which his Providence hath opened unto us, when all ways are stopped beside. Our Enemies at first did shroud themselves so far under the Kings Authority, that they be-
hooved to stand or fall together, and that to Censure them was Treason against the King. Now we have shewn that a King's Crown is not tied to a Prelates Mitre, and that the one may be cast unto the ground, and the other have a greater lustre and glory than before. Now they take themselves to another starting hole, and would have men to think that to come into *England* against them is to come against *England*, and to pursue them, although Legally, is to invade the Kingdom where they live; as if the cutting away of an Excrecence, or the curing of an Impostume were the killing of the Body. Let them secure themselves under the shelter of their own Phantasies, but we are not so undiscerning, as like mad men to run furiously upon such as we first meet with and come in our way: For although it cannot be denied but the wrongs done to us, as the breaking of the late Peace, crying us down as Rebels and Traytors, the taking of our Ships and Goods, the Imprisoning of our Commissioners; the Acts of Hostility done by the *English* in our Castles: Had they been done by the State or Kingdom of *England*, there might have been just causes of a National quarrelling, yet seeing the Kingdom of *England* convened in Parliament have refused to contribute any Supply against us, have shewn themselves to be prest with Grievances like unto ours, and have earnestly pleaded for redress and remedy, and a Declaration made that his Majesty out of Parliament will redress them, which might be a cure for the grievances of particular Subjects: But National grievances require the hand of the Parliament for their Cure; for preventing whereof the Parliament was broken up and dissolved. Neither do we quarrel with the Kingdom for the Injuries which we sustain, but our quarrel is only with particular men, the Enemies of both Nations: Nor can they quarrel with us, for taking order with the prevalent Faction of Papists and Prelates, the Authors of so many woes to both Nations.

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Let all who love Religion and their Liberty joyn against the common Enemies, and let them be accursed that shall not seek the preservation of their neighbour Nation, both in Religion and Laws, as their own; as knowing that the ruin of one will prove the ruin of both. And knowing well (as having from their own Counsels discovered it) that the ruin of both was intended, and that it was ever their plot and purpose, that if they could not engage our dearest Brethren, and neighbour Nation in a War for our destruction; then to give us some ill assured Peace, which might bind our hands, and hold us quiet, until the yoke of bondage were more heavily and unremovably laid upon our Brethren of *England* by the help of such an Army as was pretended to be gathered against us, rooting out the Godly People, and active Spirits of that Nation, and all those who, as good Patriots, stand well affected to Religion, and their just Liberties, and might be suspected would dare stir for the defence and maintenance of either, and thereafter easily find ground to break again with us, when they were once assured that we were like to stand alone: And all the benefit of our Peace should be, to be last destroyed.

And as we attest the God of Heaven, that those and no other are our *Intentions*, so upon the same greatest attestation do we declare, That for achieving those Ends, we shall neither spare our Pains, Fortunes, nor Lives, which we know cannot be more profitably and honourably spent. That we shall not take from our Friends and Brethren from a Thread even to a Shoe-Latchet, but for our own moneys, and the just payment: That we come amongst them as their Friends and Brethren, very sensible of their by-past-sufferings, and present dangers both in Religion and Liberties, and most willing to do them all the good we can, like as we certainly expect that they (from the like sense of our hard condition and intolerable distress which hath forced us to come from our own Country) will joyn and concur with us in the most Just and Noble ways for obtaining their and our most just desires. And when our own moneys and means are spent, we shall crave nothing but upon sufficient surety of payment how soon possibly it can be made, what is necessary for the entertainment of our Army, which we are assured so many as love Religion and the Peace of both Kingdoms will willingly offer, as that which they know we cannot want, and in their wise foresight will provide the way to furnish necessities, and to receive the Surety. This course being kept by both sides, will neither harm our Brethren (for they shall be satisfied to the last Farthing) nor our selves, who look for a recompense from the rich Providence of God, for whose sake we have hazarded the loss of all things.

The escapes of some Souldiers (if any shall happen) we trust shall not be imputed to us, who shall labour by all means to prevent them more carefully, and punish them more severely than if done to our selves, and in our own Country. Our professed Enemies the Papists, Prelates, with their Adherents, and the Receivers of their Goods and Geir, we conceive will be more provident than to refuse us necessary Sustainment, when they remember what Counsel was given by them for Declaring all our Possessions to be forfeited, and to be disposed of to them as well deserving Subjects.

We shall demand nothing of the Kings Majesty but the settling and securing of the true Religion and Liberties of this Kingdom, according to the Constitutions and Acts of the late Assemblies and Parliament, and what a just Prince oweth by the Laws of God and the Country to his
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grieved Subjects, coming before him with their humble desires and supplications. Our abode in *England* shall be no longer time than in their Parliament, our just Grievances and Complaints may be heard and Redressed, sufficient Assurance given for the legal trial and punishment of the Authors of their and our Evils; and for Reforming and injoyning their and our Religion and Liberties in peace, against the Machinations of *Romish* contrivance acted by their degenerate Country-men. Our returning thereafter shall be with expedition in a peaceably and orderly way, far from all molestation; and we trust the effect shall be against Papists, the extirpation of Popery; against Prelates, the Reformation of the Church; against Atheists, the flourishing of the Gospel; and against Traitors and Firebrands, a perfect and durable Union and Love between the two Kingdoms: which he grant who knoweth our Intentions and Desires, and is able to bring them to pass. And if any more be required, God will reveal it, and go before both Nations, and if God go before us, who will not follow, or refuse to put their necks to the work of the Lord?

Orders issued out to the Lord Keeper for a Commission of Array.

A Proclamation to such as owe service to the King by Tenure to appear or compound before the 20th. of September.

A Proclamation for payment of the Arrears of Ship-money.

The King Arrives at York.

The Earl of Strafford's Speech to the Gentry of Yorkshire.

The Lord Keeper was by order of the Board commanded to issue out Commissions of Array according to a form of Commission settled by Parliament, 5 *Hen. 4.* which was presented by the Attorney General, and accordingly such Commissions were directed to the Lieutenants and Sheriffs of all Counties in *England* and *Wales*. As also a Proclamation requiring all such as held of his Majesty by the Tenures of *Grand Sergeantry*, *Escuage* or *Knights Service*, to be ready at farthest by the Twentieth of *September*, at *Newcastle upon Tyne*, or such place as the Army should be at, furnished with Horse and Arms to do their said Service, and attend his Majesty or his Lieutenant in his Wars against the *Scotish* Rebels, with a Proviso That such as upon just occasions sought to be spared, should upon their composition with the Lord Treasurer, Chancellor, and Barons of the Exchequer be freed and exempted from the Service, provided they made such Compositions before the said Twentieth of *September*.

Another Proclamation was also issued out for the levying and payment of the Ship-money which was in Arrear.

But all little availed instead of Obedience, the persons concerned presented the Board with Difficulties. *First*, The Distraction among the Gentry and others, unto which Service personally to apply themselves, to that of the Trained-Bands, or that of *Escuage* and *Knights Service*. *Secondly*, The way of raising Money for the Charge of the said Forces when they shall be Commanded to March.

His Majesty Arrived at *Tork* upon the 23d. of *August*, being the third day after his setting out from *London*. On the 27th. His Majesty received an Account from the Lord *Conway*, of the March of the *Scots*, and that they would be that Night near *Newcastle* with their whole Army; desiring his Majesties pleasure and directions how to dispose of his Army, in order to prevent the March of the Rebels any further. Upon this his Majesty caused the Gentry of *Torkshire* then at *Tork*, to Attend him, to whom in his Majesties presence the Earl of *Strafford* spake to this Effect.

THAT the Scots have Invaded *England*; this County in former times with a small help besides, kept them within their Bounds; their pretence to Religion appears now to be nothing else but Rebellion and Invasion, it is now no time of Disputation, but of Preparation and Action; and though some

Some of my Countrymen, who would fain seem to the World to know much of the Law, (but indeed, are ignorant and know nothing they should) are loath to advance at their own Charges, I must let all such know, That they, and so are we all bound out of our Allegiance to his Majesty at our own proper Costs and Charges to attend his Majesty in this Service, in case of Invasion, and that it is little less than High Treason in any one to refuse it; I say it again, we are bound unto it by the Common Law of England, by the Law of Nature, and by the Law of Reason, and you are no better than Beasts if you refuse in this case to attend the King, his Majesty offering in Person to lead you on; and if the last year ye were so forward to attend his Majesty beyond the frontiers of this County, to prevent an Invasion, now you should be far more willing, (now having already Invaded, and are on their march near Newcastle) It is your prudence to keep them from coming nearer to you, if they once find the sweetness of your soyle, they will hardly depart from the same. In a word, Gentlemen, if you will be close-fisted, and not open your purses, nor attend the King's Person, you must be content to lose all, but if you will be free and liberal you will save all.

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But SIR, I must not lay the whole Burthen upon this County, shall they bear the Burthen and the Brunt, and other Counties reap the Benefit, and not Contribute towards the Charges? Let Northamptonshire, Leicestershire and other Counties bear a proportionable part, (and great reason too said his Majesty:) spare me one word more, said the Earl, for this County in Eighty Eight, they were brought from six thousand to twelve thousand of the Trained Bands, by reason of the then Pressing occasion, but with promise to be reduced to their former number, that Service being done; yet notwithstanding they have continued to twelve thousand ever since. I shall therefore become an humble suiter to your Majesty, that after this service done, they may be reduced to their former number, or at least four thousand to be abated; I will said the King upon my Royal Word, take off four thousand from the twelve thousand after this Service done; and I give my Lord Lieutenant thanks for his motion, though I had before declared to the Marquess my Intention therein.

Immediately after a Pacquet was dispatched with Orders to the Lord Conway, which came to Newcastle the next morning being the 28th. but not finding him there, was dispatched to him at Stella about half a mile from the Army, where he was with the General Officers at a Council of War: While they were in debate about the matters contained in it, Advice was brought that the Armies were Engaged, which happened thus:

The Scots were Encamped upon Heddon-Law above Newborn, a place which over-look'd the River Tyne, That Night the Kings Army consisting in Three Thousand Foot, and Fifteen Hundred Horse, were drawn up in a Meadow on the South side of the River called Stella Haugh, where they raised two Sconces or Breastworks against the two Fords in each of which were One Hundred Musqueteers, and Four Pieces of Ordinance in order to prevent the Scots passing over the Fords at low-water. The Scots brought their Canon down to Newborn, and planted some in the Steeple, placing Musqueteers in the Church, Houses, Lanes and Hedges in and about Newborn, thus the Armies stood facing one another, the Scots having the advantage to discover the posture of the English, and

The fight at Newborn upon Tyne.

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what ever happened by reason of the rising ground of which they were possessed.

On the 27th of *August*, *Lesley* the *Scots* General sent to the Lord *Conway*, desiring leave with his whole Army to march to the King with their Petition, affirming it was the most loyal, honest and innocent thing in the world. But this being refused, the next day three hundred *Scotch* Horse attempted to pass the River, but were repulsed by the Shot of the *English* Musqueteers in the Breast-works.

The Fight began with small shot on both sides, but presently was continued by the Canon, the *English* endeavouring to beat the *Scots* out of the Church-Steeple, the *Scots* to beat the *English* out of the Sconces; by that time it was low water the *Scots* had made a breach with their Canon in the greater Sconce where Coll. *Lansford* commanded, and divers were slain, which struck such a fear into the Souldiers who had but a slender acquaintance with the terrible face of War, and these frightful shapes of Death, that notwithstanding all the persuasions and intreaties of that brave Commander they basely threw down their Arms and deserted the Service; they also who maintained the other Breast-work retreating from it, the *Scots* who from the rising ground perceived their disorder, immediately commanded a body of Horse under Sir *Thomas Hope*, and the Regiments of Foot of *Craferd*, *Lindsey* and *Lowdon* to pass the River, and at the same time *Lesley* sorely galled the Kings Horse, who were drawn up in the Meadow, from a Battery of nine pieces he had raised upon a Hill to the Eastward, which disordered them, and gave him opportunity of sending more Forces over the passes. Upon which a Retreat was founded, and *Lansford* drew off the Canon, and with the Foot retired up *Ritton* and *Stella bank*; Commissary *Wilmot* Son to the Lord *Wilmot*, Sir *John Digby*, and *Daniel Oneal* with their Horse brought up the Rear, where they were forced to engage with the *Scots* Cavalry who pushed on the advantage they had gotten very vigorously; the charge was very hot and maintained by the *English* with great Gallantry and Resolution, but being oppressed with numbers the whole *Scotish* force being upon them, they were environed, and forced to submit to the Destiny of the day, the Officers being most of them made Prisoners of War; though *Lesley* out of the abundance of his Generosity, and to gain Reputation among the *English*, treated them handsomely, and in a short time gave them their liberty.

In this Engagement Cornet *Porter* Son to *Endimion Porter* of the Bed-Chamber was slain, and about 60 of the Common men; of the *Scots* Capt. *Macgee* Son of Sir *Patrick Macgee* Sheriff of *Galloway*, and Mr. *Tho. Dacolmyot* *Lesley's* Life-guard, but how many of the common Souldiers was not known.

This little Disaster proved of fatal consequence to the Kings affairs, for at Council of War at 12 of Clock that night the Lord *Conway* with great anticipation, being struck it seems with a Pannick fear resolved to quit *Newcastle*, and retreat with the whole Army and train of Artillery to the City of *Durham*; accordingly the next day being Saturday, *August* 29. The Lord *Conway*, and Sir *Jacob Asteley* by five of the Clock marched away leaving *Newcastle* a defenceless, but rich booty to the *Scots*. The Lord *Conway* was the first that brought this unwelcome news to the King, fearing lest it might otherwise be mis-represented to his Majesty. In the afternoon *Douglas* Sheriff of *Tivedale* came with a Trumpet and party of Horse, and after some Parley Sir *Peter Riddel* the Mayor knowing it impossible to make good the Town gave them admission, upon belief of their pro-

promises, which how they observed, this following Paper of Information sent to his Majesty, and now remaining in the Paper-Office will acquaint the Reader.

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August 29 1640. The manner of the coming of the Scots into Newcastle, 1641.

SIR William Douglass Sheriff of Tividale with a certain Company of Horse, made their Approach unto Newcastle, and on the Town-Bridge gave this Declaration to the Mayor and other of the Magistrates of the Town: He signified that he came from a great Lord of Scotland, that they should acquit their fears, that although they were Armed they came not to oppress, or molest any of them, being both their good Neighbours and Friends, and that he did hope he should so find them: That they were going to their good King, with a Petition in the one hand, desiring the Establishing of their Religion, Laws and Liberties, which they had often petitioned for, but could not as yet obtain; And with a Sword in the other hand, to defend them from their Enemies, which did interpose between their King and them, and had kept them from being heard, or relieved in any of their former just demands, but not to offend their good King or any of his loving Subjects, calling God, Heaven, and Earth, Men and Angels to Witness their Integrity, and that they were ready to lay their Hands, Hearts and Heads under the Kings feet, for him to trample on, that he did hope their good Brethren of Newcastle, would not conceive amiss of them, it being both their Causes, and for the good of both Kingdoms, and Kirks: that if a Letter had been delivered to the Lord Conway, which was sent, but returned undelivered, the Disaster had not happened to the hurt of both Nations, which had been the day before, that it was no way their seeking, but that they were enforced unto it only in their own Defence; They desired a relief of Provisions, as Bread, Butter, Cheese, and Beer for their Army, only for their Money, and that they would take nothing from any Man without their ready Money, and that no violence should be used towards any, and that they might have a supply of Munition, they having wasted much the day before; promising that they would not enter the Town, but only to send in some Commissioners to treat for Victuals, and Ammunition for their Money paying, and this affirmed with many Imprecations: yet notwithstanding all their fair promises, protestations, and pretenses, the next day they entered the Town, and forthwith guarded the Gates, and set a Troop of Horse in every Street, and thereby became absolute Masters and Commanders of the Town, and have since that time seized on all the Kings Magazines of Victuals, and Ammunition, have enforced Mens doors open, and taken from all the Inhabitants their Arms, and searched their Houses, and taken away their Corn, Salt, Fish, and other Provisions without giving any manner of satisfaction or consideration for them. they have entered the Kings Custom-House, and control, and receive all his Majesties Customs for that Town, and Port; And when some of the Inhabitants made their Complaint, they were answered with a

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Question, whether they were not Papists? they replying, that they were not. then answer was made, if they were not Papists, they were of such Religion as the King and the Bishops would have them. Besides, they have made inquiry after certain of the Inhabitants, which left the Town, and have threatned how they will use them, if they once seize them; Besides, some mens servants proffering to dispose of some of their Masters own Corn for their Masters use, were told by the Scots, they deserve to have their Necks laid in Irons, and so had the Corn quite taken out of their Custody. And now when they have seized the Corn, and Provisions in the Town, and taken notice of such Goods as Men have in their Houses they have imposed upon the Inhabitants 200 l. per diem, threatening that if they will not pay it, to put Soldiers into every Mans House, and force them to maintain them.

Great was the Consternation of all Ranks of People, who fled in great numbers with their Goods and Families into *Yorkshire*, and the Army making no stay at *Durham*, increased the terror to that degree, that the City was almost dis-peopled. Dr. *Morton* the Reverend and Worthy Prelat Bishop of *Durham* fled to his Castle of *Stockton*, but not thinking himself secure there, retreated into *Yorkshire*; the Dean of *Durham*, Dr. *Belconqual* made hast to secure himself, the Scots threatning him severely as an Incendiary for penning the large Declaration. The Lord *Strafford* being at *North-allerton* informed of the disaster, issued our a Warrant, to make Provision for the Army, and to cause all the upper Millstones to be broken, and the Country to drive their Goods to places of security, that if the Scots attempted to advance further they might not find sustentation for their Army.

His Majesty was advanced as far as *North-allerton*, when he received the news which went very near his heart, fearing the success of this year would be like or worse than the last; upon which he retreated to *York*, where he took a Review of his Army, the strength of which was taken by this following Muster-Roll.

A List of the Strength of the Kings Majesties Army, both Officers and Soldiers, as they were Mustered.

L. Ord General	160	Lord Marquefs <i>Hamilton</i>	211
L. Lieutenant Collonel <i>Ashburnham</i> .	162	Lieutenant Collonel <i>Feilding</i>	164
Serjeant Major <i>Latham</i>	93	Serjeant Major <i>Berry</i>	150
Captain <i>Fludd</i>	103	Capt. <i>Dawson</i>	110
Capt. <i>Washington</i>	95	Capt. <i>Monyags</i>	109
Capt. <i>Atkins</i>	101	Capt. <i>Smith</i>	106
Capt. <i>Dowse</i>	72	Capt. <i>Payne</i>	106
Capt. <i>Cbudleigh</i>	108	Capt. <i>Langley</i>	107
Capt. <i>Stanford</i>	74	Capt. <i>Walthall</i>	109
Capt. <i>Parramore</i>	92	Capt. <i>Bozoone</i>	110
Capt. <i>Edwards</i>	110	Capt. <i>Greve</i>	110
Capt. <i>Hearne</i>	98	Capt. <i>St. John</i>	103
		Capt. <i>Watson</i>	108
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Lord Newport	163	Lord Barramore	181	1640
Lieutenant Collonel Monk	125	Lieutenant Collonel Lawday	169	
Serjeant Major Warren	112	Serjeant Major Usher	148	
Capt. Sheldon	95	Capt. Trafford	97	
Capt. Kirten	78	Capt. Bryan	95	
Capt. Croft	83			
Capt. Coape	78			
Capt. Stradling	74	Capt. Gifford	103	
Capt. Barrowes	93	Capt. Hemsley	105	
Capt. Vaupere	77	Capt. Gray	107	
	—	Capt Gwyn	104	
	0978	Capt. Cary	105	
			—	
			1214	
Sir Jacob Ashley	133			
Lieutenant Collonel Selvin	91			
Serjeant Major Ashley	99	Collonel Wentworth	191	
Sir William Udal	88	Lieutenant Collonel Wayte	135	
Capt. Baynton	101	Serjeant Major Brockit	134	
Capt. Townsend	90	Capt. Holman	89	
Capt. Ashley	78	Capt. Floyd	101	
Capt. St. John	90	Sir Christopher Abdy	97	
Capt. Russel	94	Captain Foherby	92	
Capt. Bellasis	88	Capt. Parry	103	
	—	Capt. Stanbury	94	
	0952	Capt. Roberts	103	
			—	
			1139	
Collonel Goring	96			
Lieutenant Collonel Kirk	99			
Serjeant Major Willis	97	Collonel Glemham	212	
Capt. Gray	87	Lieutenant Collonel Pawlet	166	
Capt. Prideaux	66	Serjeant Major Kirkby	128	
Capt. Garrat	76	Capt. Perkins	110	
Capt. Menns	48	Capt. Wythers	101	
Capt Danyell	89	Capt. Story	94	
Capt. Shelley	59	Capt. Coddington	103	
Capt. Elliot	66	Capt. Walgrave	108	
	—	Capt. Myn	98	
	0783	Capt. Dymmoke	91	
			—	
			1211	
Lord Grandefon	172			
Lieutenant Collonel Ballard	72			
Serjeant Major Sibthorp	106	Sir John Merricke	189	
Capt. Pretty	103	Lieutenant Collonel Carew	153	
Capt. Ellis	82	Serjeant Major Davis	140	
Capt. Lessley	96	Capt. Broughton	94	
Capt. Boys	91	Capt. Seymer	92	
Capt. Villars	98	Capt. Button	97	
Capt. Smith	77	Capt. Hide	103	
Capt. Varvay	99	Capt. Herbert	109	
	—			
	0996		Capt.	

1640.	Capt. Skrimshawe	97	Capt. Baskavel	62
	Capt. Maxie	103	Capt. Maxwell	85
		1177		0755
	Sir Thomas Culpeper	160	Collonel Lonsford	163
	Lieutenant Collonel Gibson	90	Lieutenant Collonel Lonsford	71
	Serjeant Major Ogle	90	Serjeant Major Gibbs	72
	Capt. Owen	81	Capt. Powel	62
	Capt. St. Leger	90	Capt. Lonsford	87
	Capt. Roberts	76	Capt. Pomeroy	84
	Capt. Thurland	94	Capt. Martin	75
	Capt. Cooke	82	Capt. Dillon	61
	Capt. Boyer	88	Capt. Capper	68
	Capt. Nicholls	61	Capt. Hippisley	72
		0912		0815
	Sir Charles Vavasor	200	Sir William Ogle	175
	Lieutenant Collonel Tyrwhit	155	Lieutenant Collonel Bucke	146
	Serjeant Major Apleyard	146	Sergeant Major Bassett	106
	Capt. Donnell	108	Capt. Ferrer	70
	Capt. Scudamore	100	Capt. Andrews	44
	Capt. Wynd	99	Capt. Ventris	57
	Capt. Thornton	109	Capt. Sandys	53
	Capt. Pate	84	Capt. Griffith	59
	Capt. Kinsmill	93	Capt. Cary	46
	Capt. Bridgman	74	Capt. Fleetwood	39
		1163		0813
	Collonel William Vavasor	101	Collonel Feilding	205
	Lieutenant Collonel Mynn	80	Lieutenant Collonel Bole	160
	Serjeant Major Padgit	74	Sergeant Major Conisby	140
	Capt. Britt	62	Capt. Lu-kin	98
	Capt. Holtby	60	Capt. Bradshaw	97
	Capt. Nicholls	56	Capt. Kayes	95
	Capt. Leighton	56	Capt. Leighton	95
	Capt. Ferrer	59	Capt. Thomas	96
	Capt. Bowes	60	Capt. Thilwell	95
			Capt. Apleton	92
				1173
	The Number of the last Muster was			17420
	The Number of this Muster is			16957
	Besides dead, and run away since the last Muster not put in the Total of the Books sent up unto his Excellency, the Number of			00426
				Which

Which being added to this Muster, maketh the Number of
Which is less than the last Muster the Number of

17383
00037

I 640.

Witnessed under our Hands,

Ralph Errington, Deputy Commissary,
Henry Fenwicke, Deputy Commissary.

The Attorney General presenting forms of Writs according to ancient presidents, whereby the Lords Spiritual and Temporal were required to attend his Majesty, or compound for the service due by their Tenure; the Board ordered such Writs to be accordingly issued out, the Tenor of which follows:

CAROLUS Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor, &c. Reverendissimo in Christo Patri Willielmo eadem gratia Cantuariensi Archiepiscopo, totius Angliæ Primati & Metropolitano, salutem. Sciatis quod cum quidam Rebelles regni nostri Scotiæ regnum Angliæ cum Posse non modico hostiliter ingressi fuerint, Nos hujusmodi Rebellioni (gratia nobis favente divina) resistere, eamque pro salvatione & defensione nostri ac regni Angliæ prædicti, & Ligeorum nostrorum ejusdem reprimere volentes, apud Villam nostram Novi Castri super Tinam vicesimo die Septembris proxime futurum aut citius cum exercitu nostro ac toto servitio nobis debito esse proponimus: Vobis Mandamus in fide & dilectione quibus nobis tenemini firmiter innitentes, quod habeatis totum servitium quod nobis debetis cum omni festinatione qua poteritis, & ad ultimum dicto vicesimo die Septembris apud prædictam Villam Novi Castri super Tinam, aut alibi ubicunque nos cum exercitu nostro adtunc fuerimus, ad proficiscendum exinde nobiscum contra Rebelles supradictos, vel citra dictum vicesimum diem Septembris ad Scaccarium nostrum accedatis finem ibidem nobiscum facturi pro vestro servitio ante dicto. Damus autem Thesaurario, Subthesaurario & Baronibus nostris de dicto Scaccario in Mandatis ut a vobis inde finem capiant moderatum. Teste, &c. Consimilia brevia dirigenda cæteris Episcopis Angliæ.

The Kings Writ to the Archbishop of Canterbury, to appear well arrayed to oppose the Scots.

CAROLUS Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, fidei Defensor, &c. Clarissimo Consanguineo suo A. B. Comit. Salutem. Sciatis quod cum quidam Rebelles regni nostri Scotiæ regnum nostrum Angliæ cum posse non modico hostiliter ingressi fuerint, Nos hujusmodi Rebellioni (gratia nobis favente divina) resistere eamque pro salvatione & defensione nostri ac regni nostri Angliæ prædicti & Ligeorum nostrorum ejusdem reprimere volentes apud villam nostram Novi Castri super Tinam vicesimo die Septembris proxime futurum, aut citius cum exercitu nostro ac toto servitio nobis debito esse proponimus: Vobis mandamus in fide & homagio quibus nobis tenemini firmiter innitentes, quod habeatis totum servitium quod nobis debetis cum omni festinatione qua poteritis, & ad ultimum dicto vicesimo die Septembris apud prædictam villam Novi Castri super Tinam aut alibi ubicunque nos cum exercitu nostro adtunc fuerimus, ad proficiscend. exinde Nobiscum contra Rebelles supra dictos, vel citra dictum vicesimum diem Septembris ad Scaccarium nostrum accedatis finem ibidem Nobiscum facturi pro vestro servitio ante dicto. Damus autem Thesaurario, Subthesaurario, & Baronibus nostris de dicto Scaccario in Mandatis, ut a vobis inde finem capiant moderatum. Teste, &c.

The like writ to other Noble Men.

Consimilia brevia dirigenda cæteris Comitibus & Baronibus Angliæ.

The

1640.

The Scots being thus Masters of Newcastle, and having put the said Town and parts adjacent under Contribution, and the Kings Army being retreated into Yorkshire: they begun to apply themselves to the successful Artifice of Petitioning with the Sword in their hand, and in a Letter to the Lord Lannerick sent the inclosed.

To the Kings most Excellent Majesty :

The Humble Petition of your Commissioners of the late Parliament, and others of His Majesties most Loyal Subjects of the Kingdom of Scotland.

Humbly Sheweth,

The Scotch
Petition.

That whereas through many sufferings, in this time past, extream necessity hath constrained us, for our reliefs, and obtaining our humble and just desires, to come unto England; where according to our Intentions formerly delivered, we have in all our Convey, lived upon our own Means, Victuals and Goods brought along with us; and neither troubling the Peace of the Kingdom of England, nor hurting any of your Majesties Subjects of whatsoever quality in their Persons or Goods, having carried our selves in a most peaceable manner, till we were pressed by strength of Arms to put such forces out of the way, as did without our deservings, and (as some of them at their point of death have confessed) against their own Consciences opposed our peaceable passage at Newburn upon Tyne; and have brought their own blood upon their own heads against our purposes and desires, expressed by Letters sent to them at Newcastle. For preventing of the like, or greater Inconveniencies, and that without further opposition we may come to your Majesties presence, for obtaining from your Majesties Justice and Goodness, full satisfaction to our just demands, we your Majesties most humble and loyal Subjects, do persist in that most humble and submissive way of petitioning, which we have kept from the beginning, and from the which, no provocation of your Majesties Enemies and ours, no adversity we have hitherto sustained, no prosperous success that can befall us, shall be able to divert our minds; most humbly entreating, that your Majesty would in the depth of your Royal Wisdom consider at least our pressing Grievances, and provide for the repair of our wrongs and losses, and with the Advice of the States of the Kingdom of England Convented by Parliament, settle a firm and durable Peace against all Invasions by Sea and Land.

That we may with chearfulness of heart pay unto your Majesty, as our Native King, all duty and obedience, that can be expected from Loyal Subjects; and that against the many and great Evils which at this time threaten both Kingdoms, whereat all your Majesties good Loyal and Loving Subjects tremble to think, and which we unanimously beseech God Almighty to Avert; that your Majesties Throne may be established in the midst of us in Religion and Righteousness.

And your Majesties Answer we humbly
desire and earnestly wait for.

Upon

Upon the 5th of September his Majesty having considered their Petition commanded the Earl of *Lanmerick* to write them this following answer.

1640

His Majesties
Answer there-
unto.

His Majesty hath seen and considered this within written Petition, and is graciously pleased to return this Answer by me, That he finds it in such General Terms, that till you express the particulars of your desires, his Majesty can give no direct Answer thereunto: wherefore His Majesty requireth, that you would set down the particulars of your Demands with expedition; he having been always ready to redress the Grievances of his People. And for the more mature deliberation of the weighty Affairs, his Majesty hath already given out Summons for the meeting of the Peers of this Kingdom in the City of *Tork*, the twenty fourth day of this Month, that with the Advice of the Peers, you may receive such Answer to your Petition, as shall most tend to his honour, and the peace and welfare of his Dominions. And in the meantime if Peace be that you so much desire, as you pretend; he expects, and by this his Majesty commands, that you advance no further with your Army into these parts, which is the only means that is left for the present to preserve Peace between the two Nations, and to bring these unhappy differences into a Reformation; which none is more desirous of than his most Sacred Majesty.

Lanmericke.

To which Answer of his Majesties they returned a Summary of their particular desires in the following Letter to the Lord *Lanmerick*.

Right Honourable,

As nothing on earth is more desired of us than his Majesties favour, so nothing doth delight us more than that his Majesty beginneth again to hearken unto our humble desires, wherein we trust nothing shall be found, but what may serve to his Majesties honour, and for the peace of his Dominions. The particulars we would have expressed, but that they are contained in the Conclusion of the last Parliament, and the Printed Declarations which were sent to your Lordship. But in case the Papers be not by your Lordship, we now summarily repeat them.

1. That his Majesty would be graciously pleased to command that the last Acts of Parliament may be published in his Highness's Name as our Sovereign Lord with the Estates of Parliament convened by his Majesties Authority.

2. That the Castles of *Edenburgh* and other strengths of the Kingdom of *Scotland* may according to the first foundation be furnished and used for our defence and security.

3. That our Countrey-men in his Majesties Dominions of *England* and *Ireland* may be freed from censure for subscribing the Covenant, and be no more pressed with Oaths and Subscriptions unwarrantable by your Laws and contrary to their National Oath and Covenant approved by his Majesty.

K k k

4. That

1640.

‘ 4. That the common Incendiaries which have been the Authors of this
‘ Combustion may receive their just Censure.

‘ 5. That all our Ships and Goods with all the Damage thereof may be
‘ restored.

‘ 6. That the Wrongs, Losses and Charges which all this time we have
‘ sustained may be repaired.

‘ 7. That the Declarations made against us as Traitors may be recalled
‘ in the end by the Advice and Counsel of the State of *England* Conve-
‘ ned in Parliament, his Majesty may be pleased to remove the Garrisons
‘ from the Borders, and any Impediments which may stop free Trade, and
‘ with their Advice to condescend to all particulars that may establish a
‘ stable and well-grounded Peace for the enjoying of our Religion and
‘ Liberties against all Force and Molestation, and undoing from year to
‘ year, or as our Adversaries shall take the advantage.

‘ This Royal Testimony of his Majesties Goodness we would esteem to
‘ be doubled upon us, were it speedily bestowed, and therefore must crave
‘ leave to regrave, that his Majesties pleasure concerning the meeting of the
‘ Peers the 24th of this Instant will make the *time long* ere the Parliament
‘ be Convened, which is conceived the only means of settling both Nations
‘ in a firm Peace, and which we desire may be seriously represented unto
‘ his Majesties Royal thoughts; the more the time is abridged, the more
‘ able we to obey his Majesties prohibition of our advancing with our
‘ Army; our Actions, and whole Comportment since the beginning of
‘ these Commotions, and especially of late since our coming into *England*,
‘ are real Declarations of our Love and desire of Peace, nothing but invin-
‘ cible necessity hath brought us from our Countrey to this place, no other
‘ thing shall draw us beyond the Limits appointed by his Majesty, which
‘ we trust his Majesty will consider of, and wherein we hope your Lord-
‘ ship will labour to be a profitable Instrument for the Kings Honour, the
‘ good of the Countrey, and of

Your Lordships humble Servants.

Scots Leaguer at New-
castle, Sep. 8. 1640.

Subscribed by

Rothes
Montross
Cassilles
Dumferling
Lothean
Lindsey
Sir David Homes
Sir George Key
Sir Tho. Hope

Sir Will. Douglas
Mr. Alexander Gibson
Dury
Jo. Smith
Geo. Potterfield
Hen. Kenedy
Jo. Rutherford
Welderbourn

While

While the two Armies thus seemed for a little while to take breath, the Scots were industrious to improve their advantages by taking off the edge of the *English* animosity and courage against them; they lay very warm already in the bosoms and affections of the discontented Party throughout the Kingdom, and now they address their Courtship and Applications to the great City of *London*, of whose kindness if they could assure themselves, they were not ignorant how conducive it must be to their future designs; and therefore being now masters of *Newcastle*, shields and all the Coaleries, betwixt which and *London* there was so great, necessary and constant a Trade, they took this opportunity with a great pretence of kindness to serve the necessity of *London* by a free Trade with Coals, when as in truth it was their own Interest lay at the bottom, for without this Trade the Town and Country about *Newcastle* could never have been able to support the Contribution laid upon them, and there being above 10000 lusty men constantly imployed about the Coaleries, mere necessity would have forced them to Mutiny, and help to drive out those unwelcome Guests out of their quarters, to this purpose therefore they writ the following Letter to the Lord Mayor and Aldermen of *London*.

I 6 4 0.
The Scots
make applica
tion to the
City of Lon-
don.

Right Honourable,

*W*hat care and pains have been taken by us these years past to settle our grievances at home, and what heavy complaints have been made heretofore to all our dear Brethren in England, that the ground of our evils and sufferings is from the abused power of this Kingdom in the hands of wicked Counsellors, what necessity hath been laid upon us of late to enter into England with our lives in our hands, to Petition his Majesty, the manifold Declarations and Informations that have been published for that end bear us witness, and that our appearing in Arms is not to wrong any, but to guard our selves against all unjust persons that may hinder us from obtaining our humble and just desires from our Gracious Sovereign; and therefore as it was the end of our Journey not to make us Enemies but kind Friends, so we profess and declare to your Lordship, and the Aldermen your Brethren, that our abode at *Newcastle*, a Town of great importance for our security until our Petition be heard and granted, is not to make any stop of Trade in that River, since the free traffick of Coals is so necessary for the City of *London*, and other places of England; but on the contrary, our purpose is to use the best means we can to continue that Trade: and for this effect at our coming to *Newcastle*, hearing that many Masters of Ships possessed with needless fears were hastning out of the River empty, we sent two Noblemen of our number to make this Declaration unto them, whereby many of them rested satisfied, and stayed to Load; and hereby we do renew our former assurance, as the finallest testimony of greatest respect, and good will to the City of *London*, of whose affection to the peace of these two Kingdoms, wherein they have greatest share and Interest, we are fully informed, and to whom we desire not to be found wanting in any act of friendship and thankfulness that may flow from us to the utmost of our power, Signed,

Sept 9. The
Scots Letter
from *Newcastle*
to the Lord
Mayor and
Aldermen of
London.

Your Lordships and the Aldermen your
Brethrens respectful friends,

Rothes
Alex. Lesley
Almont
Lothian

Montross
Lowden
Lindsey
Cassels

K k k 2 Nor

1640.

Nor did they fail in their Design by this Letter, for presently a Petition was framed and set afoot in *London*, and notwithstanding the Privy Council by a Letter directed to the Lord Mayor and Aldermen, endeavoured to prevent it at that time, in regard it might be extremely disadvantageous to the Kings Affairs, yet they proceeded in it, and sent it by some of the Aldermen and Common Council to his Majesty to *Tork*, which was as follows :

To the Kings Most Excellent Majesty.

The humble Petition of your Majesties Subjects the Citizens of

L O N D O N.

Most Gracious Sovereign,

A Petition of the Londoners to the King to call a Parliament.

BEING moved with the Duty and Obedience which by the Laws your Petitioners owe unto your Sacred Majesty, they humbly present unto your Princely and pious Wisdom, the several pressing grievances following, viz.

1. The pressing and unusual Impositions upon Merchandize, Importing, and Exporting, and the urging and Levying of Ship-money, notwithstanding both which, Merchants Ships and Goods have been taken and destroyed both by Turkish and other Pirates.

2. The multitude of Monopolies, Patents, and Warrants whereby Trade in the City and other parts of the Kingdom is much decayed.

3. The sundry Innovations in matter of Religion.

4. The Oath and Canons lately enjoined by the late Convocation whereby your Petitioners are in danger to be deprived of their Ministers.

5. The great concourse of Papists, and their Inhabitations in London, and the Suburbs, whereby they have more means and opportunity of Plotting and Executing their designs against the Religion established.

6. The seldom Calling, and suddain Dissolutions of Parliaments, without the redress of your Subjects Grievances.

7. The Imprisonment of divers Citizens for non-payment of Ship-money, and Impositions, and the prosecution of many others in the Star-Chamber, for not conforming themselves to Committees in Patents of Monopolies, whereby Trade is restrained.

8. The great danger your Sacred person is exposed unto in the present War, and the various fears that seized upon your Petitioners, and their Families by reason thereof, which grievances and fears have occasioned so great a stop and distraction in Trade, that your Petitioners can neither Buy, Sell, Receive, or Pay as formerly, and tends to the utter Ruine of the Inhabitants of the

the City, the decay of Navigation, and Cloathing, and the Manufactures of this Kingdom.

1640.

Your humble Petitioners conceiving that the said Grievances are contrary to the Laws of this Kingdom, and finding by Experience that they are not redrest by the ordinary Course of Justice, do therefore most humbly beseech your most Sacred Majesty to cause a Parliament to be Summoned with all convenient speed, whereby they may be relieved in the premises.

*And your Petitioners and Loyal Subjects
shall ever pray, &c.*

A Petition was also presented by several of the Nobility to the same purpose.

To the Kings Most Excellent Majesty.

The humble Petition of your Majesties most Loyal and Obedient Subjects, whose names are here under-written, in behalf of themselves and divers others.

Most Gracious Sovereign,

THe sense of that Duty and Service which we owe unto your Sacred Majesty, and our earnest Affection to the good and welfare of this your Realm of England, have moved us in all humility to beseech your Royal Majesty, to give us leave to offer unto your most Princely Wisdom, the Apprehension which we and other your faithful Subjects have conceived of the great distempers and dangers now threatening the Church, and State of your Royal Person, and the fittest means by which they may be prevented.

The evils and dangers whereof your Majesty may be pleased to take notice are these:

1. That your Sacred Majesty is exposed to hazard and danger in the present Expedition against the Scottish Army, and by the occasion of the War, your Revenue is much wasted, your Subjects burthened with Coat and Conduct Money, Billeting of Souldiers, and other Military Charges, and divers Rapines and disorders committed in several parts in this our Realm, by the Souldiers raised for that Service, and your whole Kingdom become full of fear and discontent.

2. The sundry Innovations in matters of Religion, the Oath and Canons lately Imposed upon the Clergy, and other your Majesties Subjects.

3. The great encrease of Popery, and Imploying of Popish Recusants, and others ill-affected to the Religion by Law established in places of power and trust, and especially commanding of Men and Arms both in the Field and other Counties in this Realm, whereas by the Laws they are not permitted to have Arms in their own houses.

4. The

I 6 4 0.

4. *The great mischief which may fall upon this Kingdom, if the Intentions which have been credibly reported, of bringing in of Irish Forces, shall take effect.*

5. *The urging of Ship-money, and prosecution of some Sheriffs in the Star-Chamber for not levying of it.*

6. *The heavy charges of Merchandize to the discouragement of Trade, the multitude of Monopolies, and other Patentees, whereby the Commodities and Manufactures of the Kingdom are much burthened, to the great and universal Grievance of your People.*

7. *The great grief of your Subjects by the Intermission of Parliaments, in the late former dissolving of such as have been called, with the hoped Effects which otherwise they might have procured.*

For a Remedy whereof and prevention of the danger that may ensue to your Royal person, and to the whole State, we do in all humility and faithfulness beseech your most Excellent Majesty that you would be pleased to summon a Parliament within some short and convenient time, whereby the cause of these, and other great Grievances, which your poor Petitioners now lye under, may be taken away, and the Authors and Counsellors of them, may be there brought to such Legal Tryal, and condign punishment, as the nature of the offence does require, and that the present War may be composed by your Majesties Wisdom without Bloodshed, in such manner as may conduce to the honour and safety of your Majesties person, and content of your People, and continuance of both of your Kingdoms against the common Enemy of the reformed Religion.

Francis Bedford
Ro. Essex
William Hartford
Warwick
Earl of Bristol
Mulgrave

Say and Seal
Ed. Howard
Bullingbrook
Mandevile
Brook
Paget

Great were now the debates what measures were fittest to be taken in so pressing a strait of Affairs, the generous Earl of *Strafford* was for the old English way of paying the *Scots* with Steel and Lead rather than Money, and in the heat of his martial ardour persuaded the King not to give or receive any Terms which might be either for the present or future dishonourable and disadvantageous to his Majesty and the English Nation; desiring leave to fight them, not doubting but he should be able to drive them into *Scotland* again, and reduce them to Obedience; which Counsel so exasperated the *Scots*, that they pursued him for it to death. On the other side the Marquess *Hamilton* not without suspicion of secretly favouring and advancing their designs, by all means advised a Treaty and Pacification with the *Scots*, most of the English Nobility were also of opinion that the calling of a Parliament in *England*, and a Treaty with the *Scots*, were the most proper expedients to avoid the imminent dangers which threatened the Nation, and to bring all things to a happy composition,

In this extremity of his Affairs, being environed with the Arms of his Subjects of *Scotland*, and the discontents of those of *England*, his Majesty to draw himself out of those difficulties and dangers, summons a great Council

Council of all the Peers to meet at York the 24th of September, 1640. the tenure of which Writ of Summons was as followeth:

1640.

REX Reverendissimo in Christo Patri ac fideli consiliario nostro Willielmo eadem gratia Cantuar. Archiepiscopo, totius Angliæ primati & Metropolitano salutem. Quia super quibusdam arduis & urgentissimis negotiis nos & Regni nostri statum Coronæque nostræ Jura specialiter concernentibus vobiscum & cum aliis Prælati, Magnatibus & Proceribus ipsius Regni apud civitatem nostram Ebor. die Jovis, 24 die instantis mensis Septembris Colloquium habere volumus & Tractatum, Vobis in fide & dilectione quibus nobis tenemini firmiter injungimus & mandamus, Quod cessante Excusatione quacunque dictis die & loco personaliter inter sitis nobiscum & cum Prælati Magnatibus & Proceribus prædictis super dict. negotiis tractaturi vestrumque consilium impensuri, & hoc sicut nos & honorem nostrum ac tranquillitatem regni nostri Juriūque nostrorum prædict. diligitis, nullatenas omittatis. Teste &c. 7 Sept.

Before the meeting of the Council; the King called together the Gentry of Yorkshire, and proposed unto them the payment of the Trained Bands of that County for two months, to which they accorded and returned an answer to this effect, by way of Petition.

The Kings proposal to the Gentry of Yorkshire.

That having considered of his Majesties Proposition, they had agreed upon doing the same, and would use their utmost indeavours to that purpose, humbly beseeching his Majesty to consider out of his Royal Wisdom how to compose the differences with the Scots, that the Countrey might enjoy peace again, and not run further into danger; and for that purpose they humbly entreated his Majesty to think of summoning a Parliament, as the only way to confirm a Peace between the two Kingdoms; this Answer they desired the Earl of Strafford to present to his Majesty, which he was willing to do, leaving out the Advice in the Petition to the King about calling a Parliament, for that as he told them he was assured it was the Kings full Resolution to do it, but the Gentlemen were unwilling to leave out those words, and therefore delivered their Answer themselves.

Their Answer

In the mean time the Scots seemed to have taken up their Winter quarters, for they Taxed the Country, laid in stores of Straw, Hay and other Provision, seized the Rents of the Bishop, Dean and Chapter, and Papists, whom they made equally Enemies to their Design and Expedition. A Copy of a Warrant to which purpose shewing the legality of their proceedings, and the justness of their promises not to be injurious to any persons, here follows:

The Scots oppress the Country.

By vertue of a Commission from General Lesley his Excellency, and the rest of the Right Honourable Lords, and other of the Committee for ordering Business for the Scottish Army, directed to me Tobias Knowles and William Hamilton Gentlemen, to enquire and find out the Rents, Tythes and Profits belonging to the Bishops, Papists, or any other Associates, Enemies to this Army, and to take an Inventory of their Rents, Goods and Profits whatsoever, and to chuse able men to assist us in this business: We understanding that Mr. G. G. and Mr. S. A. have been employed in business for the Tenants of the Dean and Chapter of Durham, and understand that the said Tenants have Rents in their hands due at St. Cuthbert's day last, and Rents that will be due at Martinmas next, with Tythes and many other profits, &c. These are therefore by vertue of the said Commission, to require and charge you Mr. G. G. and Mr. A. S. to enquire and search out all the Rents, Tythes and Profits belonging

September 14. That enquiry be made after the Rents of Bishops and Papists in the County of Durham. George Grey and Anthony Smith Collectors.

1640.

ing to the Bishop of Durham, the Dean and Chapter, or any their Associates or Papists, Enemies to this Cause and Expedition, and to give in their Names, with a Schedule or Inventory of their Goods, Rents and Profits whatsoever : and to warn all the Tenants of the aforesaid Parties, especially the Tenants of the Dean and Chapter of Durham, for the Rents, Tythes and Profits which are due at St. Cuthbert's day last, or any other former Debts or Sums of Money due or become due at Martinmas next by the Tenants of Westoe, Harton, Fulwell, Munckwarmouth, Sudwick, Mountain Hedworth, the two Headworths, and Southsheilds, not to pay any Rents to the aforesaid Dean and Chapter, nor to any of their Receivers or Officers, but towards the relief and maintenance of the Army, as they will answer the contrary: And those that shall refuse to pay the said Rents, Tythes and Profits as aforesaid, and to set their hands thereunto; We require and charge you to return their Names in writing, with the places of their abode, that such further course may be taken with them, as shall be thought fit by the General. And of this fail not, as you will answer the contrary at your peril. Dated at Newcastle the 14th of September 1640.

Mr. William Hamilton.
Tobias Knowles.

Great were the Disorders and Insolencies which these Barbarous pretenders to Religion and Reformation committed, they treated the Counties where they lay as a conquered People, and even while they pretended to fight for the security of Laws, Liberty and Religion, they trampled them all under their feet, and without sense of Religion they made their will their Law, and Arbitrarily imposed Taxes upon his Majesties Subjects as appears by these Petitions following :

To the Kings Most Excellent Majesty.

The humble Petition of the distressed Inhabitants of the poor County of Northumberland.

September.
Inhabitants of
Northumberland
to pay 300l.
a day to the
Scots Army.

Most humbly shewing to your most Sacred Majesty what they presented by a former Petition, wherein was humbly offered to your Majesties gracious Consideration, the great distress under which your Petitioners are by the burden of the Scottish Army, who by plundering some, and threatening to plunder others, have for some fourteen days last, compelled your Petitioners to submit to their unreasonable and insupportable exactions of Three hundred pound a day, and a great proportion of Hay and Straw; by the latter whereof, those Cattle, if any shall be left to your Petitioners, will be in hazzard to be starved. All which exactions they expect to have from your Petitioners so long as they remain on this side Tweed. We have no succour or relief to fly to, for the redress of these unexpected Miseries, but to God and your Majesty, most humbly beseeching your Majesty, in the sorrows of our hearts, to afford us your Princely Compassion, in relieving us and our Countrey from this sudden and unexpected Calamity; whereby your Majesty will preserve us and our Posterities daily to pray, as in all humble duty we are bound, for your Majesty.

To

To the Kings Most Excellent Majesty.

The humble Petition of the poor distressed Inhabitants of the County Palatine of Durham.

Who humbly shew,

That since the Eleventh of this instant September, they have been under the burden of a Composition of 350 l. per diem to the Scotch Army, which they were enforced to pay, to preserve their Countrey from destruction; since which time, they have further taken from them Hay and Straw, for which they pay nothing: which all together is so intolerable a burthen, as they are no way able to bear it.

September.
The Inhabitants of Durham do pay 350 l. a day to the Scots Army.

Therefore their most humble Suit to your Majesty is, that either by some directions from your Majesty to the Lords now assembled, or by some other means, as in your Princely Wisdom shall be thought most necessary, this insupportable burden may presently be removed; delay being unto the Countrey an unavoidable destruction.

And we according to our bounden duty shall pray, &c.

To the Kings Most Excellent Majesty.

The humble Petition of Sir Thomas Riddell the elder, Knight.

Humbly sheweth,

That your Petitioner being an Inhabitant in Gateside near Newcastle upon Tyne, the Scots Army now of late since their coming thither, have taken and disposed of all your Petitioners Corn, as well that in his Garners, being a great quantity, as also his Corn on the ground; and have spoiled and consumed all his Hay, both of the last year and this years growth, have taken and do keep possession of his two Milnes of great value, have spent his Grass, and spoiled many Acres of his ground by making their Trenches in it; have wasted and disposed of his Coals already wrought; have spoiled and broken his Engines, and utterly drowned and destroyed the best part of his Coal-mines, have banished his Servants and Overseer of his Lands and Coal-works; have plundered divers houses of your Petitioners Tenants and Servants, and taken and spoiled their Goods, so that they are not able to pay your Petitioner any Rents, nor do him any Services. By all which, your Petitioner is already damnified 1500 l. And for all which premises the said Scots have not given any satisfaction to your Petitioner nor his Tenants; whereby your Petitioner and his Posterity are like to be ruined and undone (most of your Petitioners Estate consisting in the said Coalyerie) unless some present course be taken for your Petitioners Relief.

September.
1640.
Sir Tho. Riddell's Petition, of the damage he hath received by the Scots.

Your Petitioners humble request is, That your Majesty will be graciously pleased, to take the premises into your Gracious Consideration, and of your wonted Clemency to afford your Petitioner such remedy, as to your Highness's Wisdom shall seem meet.

And your Petitioner shall daily pray for your Majesty.

1640.

The Great
Council of
Peers meet at
York

This was the condition of those distressed Counties, which his Majesty was only able to pity, but not to redress; for the *English* seemed now wholly to have abandoned that courage and generosity, with which their ancestors had so often and gloriously withstood, and repulsed the Attempts of *Scotland* in former ages, and all the Martial heat and vigor was softened into Compliances and Treaties, that in conclusion plainly discovered themselves to be mutual Confederacies and Designs.

Upon the 24th of *September*, according to appointment by the Kings Writ, the great Council of the Peers assembled at *York*, and was kept in the Hall of the Deans house near the Minster, where about nine of the clock in the forenoon his Majesty came, and being seated under a Canopy of State at the upper end of the said Hall, he spake to them as followeth:

My Lords,

His Majesties
Speech
to the Lords.

UPON sudden Invasions where the dangers are near and instant, it hath been the Custom of my Predecessors to assemble the Great Council of the Peers, and by their advice and assistance, to give a timely remedy to such Evils, which could not admit a delay so long, as must of necessity be allowed for the assembling of the Parliament.

This being our Condition at this time, and an Army of Rebels lodged within this Kingdom, I thought it most fit to conform my self to the practice of my Predecessors in like Cases; that with your Advice and Assistance We might justly proceed to the Chastisement of these Insolencies, and securing of my good Subjects.

In the first place, I must let you know, that I desire nothing more, than to be rightly understood of my People. And to that end, I have of my self resolved to call a Parliament; having already given order to my Lord Keeper to issue the Writs instantly, so that the Parliament may be assembled by the third of *November* next: Whither if my Subjects bring those good affections, which become them towards me, it shall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I shall desire your Advice, which indeed were the chief Cause of your meeting.

First, What answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a sure Judgment, I have ordered, that your Lordships shall be clearly and truly informed of the State of the whole business, and upon what reasons the Advices that my Privy Council unanimously gave me, were grounded.

The second is, How my Army shall be kept on foot and maintained, until the supplies of a Parliament may be had. For so long as the *Scotch* Army remains in *England*, I think no man will counsel me to disband mine: for that would be an unspeakable loss to all this part of the Kingdom, by subjecting them to the greedy appetite of the Rebels, besides the unspeakable dishonour that would thereby fall upon this Nation.

After which the *Scots* Petition mentioned before of the 4th of *September*, and his Majesties Answer to it of the 5th of *September*; together with their Letter to the Earl of *Lanerick*, and the Answer to it were successively read, then by his Majesties command, the Lords were made acquainted with the grounds and reasons upon which the Privy Council advised the raising an Army against the *Scots*, and their demands in their last Parliament acknowledged by the Lord *Lowdon* were read, and explained by the Earl of *Traquair*, who manifested to their Lordships that

some

some of those demands subverted the fundamental Laws of *Scotland*; others the Prerogative and Dignity of the King derived to him by succession from his Illustrious Ancestors: And that many of them were to the detriment of his Majesty in point of Profit and Revenue, and prejudicial to divers of his Majesties good Subjects in that Kingdom.

The Council having considered and debated these things, it was agreed, that as to the first point proposed by his Majesty certain Lords should be sent as Commissioners to treat with the *Scots*; which Commissioners, being most of those who before had Petitioned for a Pacification, and in effect all those things the *Scots* said they took up Arms to Petition for, were these Sixteen Lords,

<i>Earl of Bedford</i>	<i>Viscount Mandevile</i>
<i>Earl of Hertford</i>	<i>Lord Wharton</i>
<i>Earl of Essex</i>	<i>Lord Paget</i>
<i>Earl of Salisbury</i>	<i>Lord Brook</i>
<i>Earl of Warwick</i>	<i>Lord Paulet</i>
<i>Earl of Bristol</i>	<i>Lord Howard</i>
<i>Earl of Holland</i>	<i>Lord Savile</i>
<i>Earl of Barkshire</i>	<i>Lord Dunsmore</i>

To whom were added as Assistants for their Information in the Laws of *Scotland*, or the management of Affairs in *England*, these following,

<i>Earl of Traquair</i>	<i>Mr. Secretary Vane</i>
<i>Earl of Morton</i>	<i>Mr. Lewis Steward</i>
<i>Earl of Lanerick</i>	<i>Sir John Burrough</i>

The place of meeting was appointed first at *York*, afterwards at *Northallerton*, but in regard of the inconveniencies of that place, at last it was concluded to be at *Rippon*, and to begin the first of *October*; and the Earl of *Lanerick* Secretary of *Scotland*, was appointed to write to the *Scots* to acquaint them with what was resolved by the Peers, which he did as follows, enclosing a List of the Commissioners names, the dispatch was carried by Mr. *John Bellasis's* Son to the Lord *Falconbridge*.

My Lords,

According to his Majesties appointment, the most part of the Peers of this Kingdom of *England*, met here at *York* this day, where his Majesty did communicate unto them your Desires and Petitions: And because you do so earnestly press for a speedy Answer thereunto; his Majesty with the advice of the Peers, hath nominated such a number of them, for a Conference with you upon Tuesday next at *Northallerton*, whose names are here under-written: But withal, if you shall think the time too short, and with conveniency you cannot come so soon thither, if betwixt this and Sunday you do acquaint his Majesty therewith, he will take order for the delay thereof, for one day or two.

And that you may without all fear or danger of Detention, send such persons unto the said Conference as you shall think most fit, if betwixt this and Sunday, you send thither the names of those you mean to employ; his Majesty will with all possible Diligence retain a safe Conduct under his own Royal Hand for them and their necessary Servants.

His Majesty hath likewise commanded me to let you know, that upon your releasing

1640.

A Treaty with the *Scots* resolved, and Commissioners appointed.

The Earl of Lanerick's Letter to the *Scots* about the Treaty.

1640.

releasing of such Officers, and others of his Subjects, as are detained by you, he will return all such of yours, as are his Prisoners, either here or at Berwick. And hereafter resolves, that fair Quarter shall be kept betwixt both Armies. Thus having reported his Majesties pleasure, I continue

Your Lordships Servant,

Y O R K, Sept. 24.

1640.

Lanerick.

Upon the 25th the Council being met, his Majesty commanded the Petitions of *Northumberland*, and the Bishoprick of *Durham* before mentioned to be read.

Then a Petition of the Tenants to the Bishop, Dean and Chapter of *Durham* was read, which was as follows :

To the Right Honourable the Lords of *England*, appointed Commissioners for the present Meeting at *Rippon*.

The humble Petition of the Tenants belonging to the Bishop and Dean and Chapter of *Durham*,

Most humbly sheweth,

September.
The Tenants
of the Dean
and Chapter
of *Durham*
their Com-
plaint.

THat whereas they have paid to the Scots a great sum of Money, that thereby the Inhabitants within that Countymight be freed from any further trouble of the Scots, and that their Army should make no waste nor spoil in their Countrey, nor to demand no more Moneys to be paid to them till that time be expired: Yet so it is, may it please your Honours, That the Commanders for the Scots Army have caused one Tobias Knowles an Englishman, to send forth his Warrants under his hand, to divers Parishes, thereby commanding the Constables, Greves and Officers to pay to their Collectors, the Rents due from your Petitioners to the Bishop and Dean and Chapter of *Durham* at Michaelmas next; and that they should pay the same at Bishop-waremouth on Tuesday last, being the twenty ninth of September last past, and they should have a sixth part abated; and if they did refuse to pay them that day, then that they should pay all their Rents to them the second day of October instant, without any abatement at their perils.

Their most humble Suit is, that your Honours would be graciously pleased, to move the Scots Lords, that the poor Tenants may be eased for paying the said Rents, they being now way able; and the Rents not yet due, and they not able to give them any discharge therefore. And that their Officers may desist from further troubling the said Tenants about the payment of the said Rents.

And they shall daily pray, &c.

Upon which the Bishop of *Durham* represented to their Lordships, the miseries and oppressions which the Inhabitants of the Bishoprick lay under by reason of the *Scottish* Exactions and Violences, humbly intreating that the Lords Commissioners would procure the Scots to forbear Acts of Hostility

Hostility during the Treaty, which his Majesty accordingly ordered the Lords Commissioners to take care of.

I 6 4 0.

Then his Majesty proposed the second Head about maintaining the Army till a Parliamentary supply might be obtained, and offered to withdraw, that so there might be the more freedom for their opinions: But the Lords humbly besought his Majesty to continue his presence among them, in regard that by his great Wisdom, and particular knowledge of his Affairs they should be the better enabled to regulate their proceedings in those important Affairs; to which their humble request his Majesty having graciously condescended, he desired them to consider;

First, What and how much was requisite for the maintenance of the Army?

Secondly, Which way Money which was the only thing wanting should be raised or procured; and for Information he referred them to the Earl of *Strafford*, and the Officers of the Army; whereupon the Earl of *Strafford* acquainted them with the State of the Army.

The State of the Army.

I. That the Army was in Arrear to *Yorkshire* for a Fortnights Provision.

II. That the Army consisted of between 19 and 20 thousand Foot, 2300 Horse, besides three Regiments of *Scotish* reformed Officers, that a months pay amounted to 60000 l. *per mensem*.

III. That to keep the Army three months required 200000 l,

IV. That if the Army were Disbanded, the County of *Tork* would be lost in two days, and the whole Kingdom in most apparent hazard.

Upon debate it was resolved that a Letter should be writ by the Peers to the City of *London* to borrow the said sum, which Letter drawn by a Select Committee for that purpose, was as follows:

AFTER, &c. Having been by his Majesties Writ under the Great Seal of *England*, Assembled here the twenty fourth of this instant Moneth, to our exceeding Joy and Comfort, before our entry into any Consideration his Majesty was pleased to declare his gracious resolution for holding a Parliament at *Westminster* the third of *November* next; to which Declaration his Majesty was pleased to add so full assurance of his great desire to be rightly understood by his People, and of his resolution to relieve all the just grievances at this succeeding Parliament, that we all rest confident upon his Royal Word, that this whole Kingdom shall be firmly united in a loyal and hearty care for the preservation of the true Religion established here, the honour of his most Sacred Majesty, and the general good and happiness of all his Majesties loving Subjects. We are every way sensible of the great calamity, that cannot but light upon both Kingdoms by the present distractions and distempers; and have for timely remedy therein, been (by his Majesties great Wisdom and Prudence) put into a way of treaty with those of *Scotland*, for such an accommodation, as may tend to the honour of his Majesty, and the perfect union of both Kingdoms; wherein as we rest most assured, that his Majesty will be no way wanting in his Grace and Goodness, to listen to the just and reasonable Demands of his Subjects of *Scotland*; so if they shall insist upon terms dishonourable for his Majesty and the *English* Nation to condescend unto, we shall all hold our selves obliged in honour and duty to preserve and defend this Kingdom from all Invasions and Spoils, by any kind of Enemy whatsoever. The Lords appointed by his Majesty and the Great Council of the Peers are to meet with those of *Scotland* on *Thursday* next at *Rippon*; and we all are not out of hope, that all things may

A Letter from the Lords of the Great Council at *Tork* to the City of *London*.

1 6 4 0.

' may come to a happy and speedy conclusion. In the mean time, taking
 ' into our serious consideration the state of *Newcastle*, the Commodities
 ' whereof are so necessary and behoveful for the City of *London*, and in-
 ' deed for the whole Kingdom; the miserable conditions of the Counties
 ' of *Northumberland*, and the Bishoprick of *Durham*; the particulars
 ' whereof, the Lords deputed and entrusted with these our Letters and
 ' other Instructions, will fully acquaint you with: and withal finding that
 ' the safety of this great and considerable County of *Tork*, and the adjacent
 ' Counties, depend upon the holding together of his Majesties Army; and
 ' knowing well, that although these Counties should for the present first
 ' undergo the Calamity that would ensue thereon, yet the danger and mi-
 ' fery would soon undertake all other Counties of the Realm, We could
 ' not in our Judgments think it Wisdom, to advise his Majesty to disband
 ' our Forces, but much rather, to continue them together, till by the hap-
 ' py success of this Treaty, or the great Wisdom of the Parliament, some
 ' course might be taken for a firm Peace, or just War: the consideration
 ' whereof, we shall, as in all things, humbly refer to that Great and Ho-
 ' nourable Body now summon'd, and which will undoubtedly, with Gods
 ' Grace, assemble at the day and place appointed. His Majesty hath made
 ' it appear to us, that his Treasure is exhausted, and that he is altogether
 ' unprovided to keep his Forces together for so long a time, as the Parlia-
 ' ment can settle some such course, as they in their Wisdoms shall think
 ' fittest. To the end therefore that the *English* Forces may not disband
 ' till those of *Scotland* do, we have all with an unanimous consent resolved,
 ' that it is necessary, that his Majesty be supplied with Two hundred
 ' thousand pounds, as well for the continuing of them together, as for the
 ' orderly dismissing of them when it shall be time so to do, lest in their re-
 ' turn his Majesties Subjects should undergo any of those inconveniencies,
 ' that Souldiers sent away unsatisfied are apt to put upon them. We af-
 ' furedly persuade our selves, that the City of *London* is well able to supply
 ' his Majesty with this Sum; and we do not doubt, but (our hearts being
 ' all here united) the same affection will shew it self in you of *London*,
 ' who are so concerned in the Danger, and so considerable in your selves. To
 ' these arguments, which we doubt not but you will seriously consider, and
 ' fortifie with many of your own, we cannot but add our hearty, earnest
 ' and unanimous desires and affectionate requests, that you would not at
 ' this time be failing to so gracious a King, to the whole Kingdom, and to
 ' your selves; and to this purpose we have deputed their Lordships *Henry*
 ' Earl of *Manchester*, Lord Privy Seal, *Philip* Earl of *Pembroke* and *Mont-*
 ' *gomery*, Lord Chamberlain of his Majesties Household, *Jo.* Earl of *Clare*,
 ' *Ed.* Viscount *Campden*, the Lord *Coventry*, and *George* Lord *Goring*, Vice-
 ' Chamberlain of his Majesties Household, members of this Great Council,
 ' who being assisted by the principal Officers of his Majesties Revenues,
 ' shall treat and conclude with you of all particulars both for security and
 ' days of payment, such as may best suit with his Majesties real performance
 ' of the premises, we offer our selves to joyn in any further security in such
 ' manner as shall be agreed upon by these Lords and your selves: all which
 ' we the rather offer to your serious considerations, in regard we do visibly
 ' foresee, that the disbanding of his Majesties Army, may be the absolute
 ' loss of all those adjacent Counties, and the endangering of the whole
 ' Kingdom, and that no other present means than by Loan of Two hundred
 ' thousand pounds from you, can be found, for the publick preservation of
 ' the King and Kingdom. And so we bid you heartily farewell, and we rest

Your ever loving Friends, &c.

And

And in order to the accomplishment of this Affair, the Lords mentioned in the Letter received these Instructions for their treating with the City for the said Sum of 200000 l.

1640

Instructions given to the Lords that were to treat with the City of London for the Loan of 200000 l.

1. **T**O acquaint them with the Petitions from *Newcastle, Northumberland* and the Bishoprick of *Durham*, with such Circumstances as they conceive material concerning them.

2. To acquaint them with the Acts and proceedings of this Assembly of the Peers.

3. The security which they shall offer from the Peers, is to be by Bond.

4. All other Peers (though not present at this Assembly) are to be desired to engage themselves as far forth as the Peers now Assembled shall.

5. The Lords deputed shall have Authority to desire, in the name of this Great Council, the Assistance of any Peer of the Realm for furtherance of the business, wherein they are employed.

6. The Lords deputed, to agree for times of Payment and Repayment, wherein they are to take notice, that his Majesties Occasions will require Fifty thousand pound to be paid by the twelfth of *October* next, One hundred thousand pound by the fifteenth of *November*, and the other Fifty thousand pound by the first of *December*, and to draw the City as near as they can to these times.

For the days of Repayment, they are to confer with the Officers of his Majesties Revenue.

A treaty being thus agreed upon, the *English* Lords were Authorised by a Commission to treat with the Earl of *Dumfermlin*, Lord *Lowdon*, Sir *Patrick Hopburn*, Sir *William Dowglass*, Mr. *Smith*, Mr. *Wedderburn*, Mr. *Henderson* and Mr. *Johnston*, which Commission was in these words:

CHARLES by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our Trusty and well beloved Cousins and Counsellors of our great Council now assembled. Francis Earl of Bedford, William Earl of Hertford, Robert Earl of Essex, William Earl of Salisbury, Robert Earl of Warwick, John Earl of Bristol, Henry Earl of Holland, and Thomas Earl of Berks; and to our right Trusty and right well beloved Counsellors of our said Great Council, Phillip Lord Wharton, William Lord Pagett, Edward Lord Kimboulton, Robert Lord Brooke, John Lord Paulet of Hinton St. George, Edward Lord Howard of Estricke, Thomas Lord Savile, and Francis Lord Dunsmore, Greeting: Whereas divers of our Subjects of Scotland have by their several Petitions humbly besought Us, that We would be graciously pleased to grant unto them certain Demands. Whereupon We let them know, That by the Advice of the Great Council, We would give answer thereunto; We reposing special trust and confidence in
your

September 29. The Kings Commission empowering the English Lords to treat with the Scots, as it passed under the Great Seal.

1640.

your great *Wisdoms* and *Fidelity*, by the Advice of our said Great Council, have given and granted unto you, and by these presents do give and grant unto you or any Ten or more of you, full power and authority to treat with Charles Earl of Dumferming, John Lord Lowdon, Sir William Dowlass of Caveris, Sir Patrick Hepburn of Waughton, John Smith, Alexander Wedderburn, Alexander Henderson, and Archibald Johnston, or any of them deputed by our said Subjects of Scotland, or nominated on their behalf: and to take into your serious Consideration the said Demands, and to compose, conclude and end all differences arising thereupon, or otherwise as you or any Ten or more of you in your *Wisdoms* shall think fit. And whatsoever you our said Commissioners or any Ten or more of you shall do in the premises, We do by these presents ratifie and confirm the same. In Witness whereof, We have caused these our Letters to be made Patents. Witness Our Self at Our City of York, the Nine and twentieth day of September in the Sixteenth year of Our Reign.

They were also furnished with Instructions for the management of the said Treaty, which were these:

Instructions for our Right Trusty and Right Well beloved Cousins and Counsellors of our Great Council, the Earls of *Bedford*, *Hertford*, *Essex*, *Salisbury*, *Bristol*, *Warwick*, *Holland* and *Berks*, and for our Right Trusty and well-beloved Counsellors of our Great Council, the Lords *Mandevile*, *Paget*, *Wharton*, *Brooke*, *Pawlett*, *Howard*, *Savile*, and *Dunsmore*, Barons and Counsellors nominated and deputed by Us and the Great Council of Peers, now assembled by vertue of our Writ of Summons at our City of *York*, to meet and treat of an Accommodation of Difference; and if possible, a firm peace, with such Lords and others of *Scotland*, as shall be deputed and authorized to the same effect: which Conference is appointed by Us to be held on *Thursday* next at *Rippon* the first of *October*, 1640.

First, you are for a ground and rule unto this present Treaty, to take the Articles of Pacification agreed upon, and signed by Us and them the last year at our Camp near *Berwick*. And in case they assent unto them, you are then to declare in our Name, that we are still resolved not to depart from any thing therein contained on our part.

But if so, you find upon Conference, that they will not lay the said Pacification as a ground to the Treaty, you are then to hear their Reasons, and to advertise Us and the Peers thereof.

And whereas the Scotch Lords, by their Letter of the eighth of this instant September to the Lord Lanerick, have made several Demands;

First, That the last Acts of Parliament may be published in our Name; you are to let them know, that the Convention being convened without our Royal Authority, contrary to the Laws and Constitutions of that Kingdom, We may not Ratifie the same with our Royal assent; yet nevertheless such are our Inclinations to peace and the preservation of that our Kingdom, that we having taken into consideration those particular Acts, concerning such and such persons, We will give our consent in a Parliament to be summoned by Us according to the Legal way; and for such other Acts, as are either Derogatory to our Crown and Dignity, or alter the Fundamental Constitutions of the Parliament

of

of that Kingdom, We have commanded the Earls of Traquair, Morton and Lanerick, to give you the best Informations herein they can.

2. To the second demand, touching the Castle of Edenburgh, and other strengths of Scotland; You are to let them know, that as the last year, so now, We expect that they shall be restored. Which we mean to keep for the Defence of that Kingdom, as hath been done in the times of our Predecessors.

3. Concerning the third demand, that the Scotch in England and Ireland should be freed from Oaths and Subscriptions, You are to declare unto them, that the Subjects of each Nation are to be subject to the Laws of that Kingdom wherein they live.

4. To the fourth, That the common Incendiaries who have been the Authors of this Combustion in his Majesties Dominions, may receive their just Censure, You are to tell them that we conceive that all personal Animosties and Disputes touching the actions of private persons, not being easie to be composed, It were much better and more Christian to bury them on all hands, than to raise them again by such Demands. But if they press particulars against any person, you are to hear them, and to report the same to Us, and the Great Council of the Peers.

5. To the fifth, that their Ships and Goods, with all the Damages thereof may be restored, You are to let them know, That the other points of the Treaty being accorded, We are graciously pleased that the Ships and Goods of our Subjects be restored.

6. To the sixth, That the Wrongs, Losses and Charges sustained may be repaired, You are to understand from them, for what and from whom they intend their satisfaction.

7. To the seventh, That the Declarations made against them as Traitors may be recalled, You are to let them know, that when the Treaty is agreed upon and they conform themselves as dutiful and obedient Subjects, We shall then be graciously pleased to recall the said Declarations.

8. And for the removing of the Garrisons from the Borders, and Impediments that may stop Free-Trade, You may declare unto them, that this was not demanded by the Articles of Pacification. And though afterwards desired by them, yet refused by us. Nevertheless when the Scottish Army and Forces shall be with-drawn out of this Kingdom, We shall be content to do therein, as our Great Council of the Peers now assembled shall advise us. And for the Freedom of Trade, We will then take such order as shall content them.

As touching the suspension of Arms, We do give you power to move, or accept of any thing concerning the same, as you shall see cause upon the place, taking the best care you can, for relieving of such Counties as are under Contribution.

Now the Articles of Pacification the last year, being the Rule to govern this Treaty by, and for these Articles and the particular answers to their Demands, You are then to endeavour to draw them as near to the same as you can, but not to break the Treaty, only to Report the Differences, with the reasons that fall between you, to us, and our Great Council of the Peers now assembled.

Lastly, We have commanded that the Earls of Traquair, Morton, Lanerick, Mr. Secretary Vane, with the assistance of Sir Lewis Steward, and Sir John Burrough, may be present at the Treaty between you and our Subjects of Scotland, at all your publick Debates, Meetings and Conferences concerning the same. It is therefore our express pleasure, that they or any of them may object, debate, and propose what they (out of the knowledge and experience they have had of these affairs) shall conceive to conduce to our service, and the peace of these our Kingdoms.

1640.

The Commission.

The Scots Commission was as follows :

WE Commissioners of the Parliament of Scotland, under subscribed, Do by these presents give full power and Commission to Charles Earl of Dumfermlin, John Lord Lowdon, Sir Patrick Hepburn of Wanchtown, Sir William Douglass of Caneris, John Smith, Mr. Alexander Wedderburn, Mr. Alexander Henderson, and Mr. Archibald Johnston, to meet and Con- vene with the Noblemen Peers of England, appointed for the Conference anent his Majesties Answer to our Demands, with power to them to Confer, Treat, and Demand, conform to the Instructions already given, or which shall be hereafter given, or sent to them, and to report to Us at all occasions. In witness whereof we have Subscribed these presents at Newcastle the last day of September 1640. Subscribed

Rothies
Cassillis
Lothyan
Lindesay
Napier
Home
Sir George Ker

Thomas Hope
W. Riccarton
W. Hamilton
Hen. Kennedy
G. Potterfield
J. Sword
J. Rutherford

The Treaty begins at Rippon, Oct. 1.

The safe conduct, and other preliminaries to the treaty being thus ad-justed, the Commissioners on both sides met at Rippon upon the first day of October, where the Earl of Bristol opened the occasion of the meeting to this effect.

He acquainted them, that by his Majesties special command, and by virtue of his Commission there produced under the Great Seal of England they were met, that he conceived and hoped their ends and desires were the same, to endeavour by Gods holy permission to compose those unhap- py differences between the two Nations, and to bring them to such an Accommodation as may conduce to the Glory of God, the Establishment of true Religion, the honour of his Majesty their common Sovereign, and the Peace and Tranquility of both Kingdoms.

Traquair, and the Assistants excepted against.

The Commissions and Powers being read, the next day the Scots Com- missioners who had taken exceptions at the assistants, gave it in writing, and particularly against the Earl of Traquair, who for his maleversation in the affair of the Assembly and Parliament, was with others who had done ill Offices in dividing between the King and his Subjects, demanded to be censured.

They gave in also a Paper of Heads introductory to the Treaty.

1. To treat in order of the several Desires and Demands by them par- ticularly expressed.
2. If a pacification and cessation of Arms follow the treaty, how their Army shall be maintained till the Treaty be ended, and Peace secured.
3. That safe conduct be granted to a greater number of Scots Commissi- oners, if the Commissioners of Parliament of Scotland shall think fit to send them.
4. Safe conduct and freedom of the Post to all such as shall be dispatched to and again from them and the Commissioners of the Parliament of Scot- land.
5. Free

5. Free Trade and Commerce between *England* and *Scotland*.

To these the *English* Lords answered, that for the freedom of the Post and safe conduct, his Majesty graciously condescended.

r 64 o.

To the assistants they offered the consideration, that being versed in the Affairs of *Scotland*, they were only to inform the Peers, but not to Vote or Debate any thing of the Treaty: but the *Scots* would not budg from their first Resolution, alledging the assistants might advise or inform their Lordships in writing without being openly present or assisting at the Treaty.

Then the *English* Lords pressed the *Scots* to particular demands concerning their losses and the maintenance of their Army during the Treaty, and how they advised it should be raised and satisfied to them.

To which they answered, 40000 l. *per mensem* to maintain the Army, and for their losses they would afterwards give a particular estimate of them when it was accorded they should be satisfied, for the way of raising the money they could not advise, judging it were proper for their Lordships in their Wisdom to consider of it.

To this proposition of 40000 l. *per mensem* the Earl of *Bristol* desired to know if their demands were positive, or might upon reason be mitigated, to which they answered, that they desired their Lordships to express what sum they judge to be a Competency, and to remonstrate it to his Majesty as they would do theirs to the Committee of Parliament in order to a speedy accommodation.

Upon which the *English* Lords sent the Earls of *Hertford*, *Bristol*, *Holland* and the Lords *Wharton* and *Savil* to acquaint his Majesty and Great Council with their procedure, and to receive their directions as by the following Letter appears:

May it please your Majesty;

WE met with the Commissioners of *Scotland* this morning, being Friday the second of October, where the Earl of *Bristol* made a short Introduction. And in the first place we made your Majesties Commission under the Great Seal of *England* to be read. In the next place, we desired to know how they came authorized. Whereupon they produced a Commission from the Commissioners of their Parliament of *Scotland*, a Copy whereof we send your Majesty. After this the Lord *Lowdon* said it was most needful to repeat their demands; for the conclusion of the late Parliament, their Printed Declarations; and their Letters to the Earl of *Lanerick* contained the subject and substance of all their demands. Hereunto after consultation amongst our selves, we replied that if their demands had been set down in any Letter or Petition, we might have had certain grounds to Treat of; but to have relation to all their Printed Declarations, were to leave things to uncertainties. Hereunto they replied, that the word Printed Declarations was in the Letter to the Lord *Lanerick*, which they caused to be read. After this they propounded this Question, In what quality the Lords of their own Nation sate there. Whereupon after private consultation amongst our selves, we declared, that we being nominated as Commissioners, humbly signified unto your Majesty, that we being meer strangers to the Laws and Constitutions of *Scotland*, desired the assistance and information of some such as your Majesty knew to be well versed in those affairs. So that in the matter it self, it was upon our humble request; but for the persons they were nominated by your Majesty, such as your Majesty held fit and best instructed in the Laws and Constitutions of that Kingdom. Whereupon the Lord

A Letter from the Commissioners at *Rippon* to the King.

1640.

Lowdon, in the name of the rest said, that they were limited by their Commission to Treat with such Lords as in your Majesties name were signified unto them by the Earl of Lanerick's Letter to be deputed to Treat with them and with no other. Whereupon desiring that there might be no misunderstanding, we intreated them to set down in writing the contents of their Instructions in this particular. Which they did accordingly: and herewith we send it your Majesty inclosed. Hereupon having debated amongst our selves, and finding it necessary according to our duties to hold our selves precisely to your Majesties Instructions, and it appearing doubtful unto us, whether we might proceed without such Assistants as your Majesty hath assigned unto us by your Instructions under your hand, we held it fit to have recourse unto your Majesty therein to receive such further instructions as your Majesty in your Princely wisdom shall be pleased to give us, which we shall not fail to pursue with all the Loyalty and Affection as your Majesty may justly expect from

Rippon Octob. 2.

1640.

Your Majesties most humble and obedient Subjects.

Since the writing of this Letter, the Commissioners of Scotland desired a meeting, although we had sent to discharge it, until we had heard from your Majesty. They have made some propositions to us, and have promised to deliver them unto us in writing. But fearing lest we should retard this dispatch too long, we have sent it away, and within few hours do hope to send unto your Majesty what hath since occurred.

This Letter was sent by Mr. Francis Palmes a younger Son to Sir Guy Palmes; to which his Majesty the next day returned this answer:

The Kings
Answer to the
Lords.

Right Trusty and Right Well-beloved Cousins, and Counsellors of our great Council now Assembled, We perceive by your Letter of the second of this month, That the Commissioners of Scotland alledge, they are not warranted to Treat but with the Noblemen named by us with the advice of the Peers, for which cause besides the exception they are warranted to make against the Earl of Traquaire, they decline him and conceive that by the warrant granted them in our Letter and Commission none are to assist at the Treaty, but the Noblemen expressed in our Letter. This we have imparted to such of our great Council as are left here, and by their unanimous Advice we return this answer, That the Earl of Traquaire, and the rest, with the advice of our Peers appointed to assist you, were not any way authorized to conferr or Treat with the Commissioners of Scotland, nor to have any voice or vote in the debating or concluding any thing, but only to give you a right understanding of such things as you could not otherwise be enabled to Treat of or Debate, in regard of your being strangers not only to the Laws and Customs of the Kingdom of Scotland, but altogether unacquainted in the passages of the Assembly and Parliament, without knowledge whereof the matters in difference cannot be so well cleared; And therefore by the advice of the Peers here Assembled, we hold it very reasonable that the Earl of Traquaire should be present, to whom all things that will require Debate are best known, and that you should press them to admit thereof, giving this and such other reasons for it as you shall think fit.

Nevertheless

‘ Nevertheless because we are willing the Treaty should go on with as little loss of time as may be, We have by like advice of our Peers, and to the intent we may the better discern what need there will be of such Assistants, thought fit to give you this Direction, in case they refuse, that then without Assistants you should press the Commissioners of *Scotland* to give you a particular of all their Demands under their hands, and especially what they do expect for their losses which they pretend they have sustained; And for maintenance of their Army during the Treaty, or how they intend or would advise how it should be raised and satisfied unto them, of which you are to make report to us.

1640.

‘ For the safe conduct which they desire for such only as shall be sent to the Treaty from the Commissioners of the *Scottish* Parliament, and for all such as shall be sent from the Commissioners unto them, or from them to the Commissioners upon all occasions, with the freedom of the Post for carrying of all the Letters to and from *Edenburgh*, We are graciously pleased to grant the same during the time of the Treaty. Touching the Trade or free Commerce of Importing and Exporting of Commodities, when the business is a little further admitted, we shall the better resolve what answer to give therein as a thing more proper to the Conclusion than for the beginning of a Treaty.

‘ For the cessation of Arms you have our Instructions already, whereby we and our Council are of opinion that the Disbanding of both Armies were much better than a cessation, which therefore we would have you propound and endeavour with them, and so we bid you heartily farewell.

Tork Octob. 3.
1640.

His Majesty finding and observing that all their proceedings were delatory, thought it would be a means to expedite the Treaty if it were removed to *Tork* where he was present, which being signified to the *Scots* Commissioners by the *English* Lords, the *Scots* declined it wholly, giving these Reasons:

The King proposes to remove the Treaty to *Tork*.

First, That their Army was stayed by his Majesties special Command, otherwise they might have been either better provided or further advanced in their Petition, and that the hope of provision this way had kept them from taking such ways as might serve for their necessary maintenance; not by laying any burthen upon the good People of *England*, whose weal they sought as their own, but by maintaining their Army out of the Estates of the Papists Prelates and their adherents, who were they said their professed Enemies and the unhappy Instruments of all their trouble and charge.

The *Scots* refuse.

Secondly, Because of the danger in their going to *Tork* and surrendring themselves and others who may be joyned with them into the hands of an Army, Commanded by the Lieutenant of *Ireland*, whom they had declared against as an Incendiary.

Thirdly, There was no want of power to expedite the Treaty in that place where it was.

Hereupon his Majesty altered his former Resolution, and the Treaty was continued at *Rippon*.

The Treaty continued at *Rippon*.

The *Scots* demand of 40000 l. *per mensem* being proposed, *Edward* Lord *Herbert* called the black Lord *Herbert*, advised the King to fortifie *Tork*, and by no means to yeild to that Demand, shewing the necessity and ease of

The Lord *Herbert's* advice about the Treaty.

1640.

of such fortification, and the advantage it would be to the City, lest falling into the *Scots* hands they might be in the same miserable condition with *Newcastle*, and for the 40000 l. that there was no certainty of a Peace by the Treaty, and if it should come to nothing, it would be a great loss both of Money, time and other advantages. That it was highly dishonourable both at home and abroad for his Majesty to buy Peace of his Subjects at so dear a Rate. That if the *Scots* meant really a Treaty, the Commissioners should move for a disbanding of both Armies, if they would not agree to that, it might be supposed they meant an Invasion rather than a Peace, and the 40000 l. *per mensem*, would be more necessary to be employed in re-inforcing and maintaining his Majesties Army, than that of his Enemies.

Much time was spun out in fruitless debates about the maintenance of the Army; the *Scots* pressed to have 30000 l. *per mensem* allowed, but the *English* Commissioners would by no means agree to it: upon the 16th of October the *English* Lords gave in this following Paper to the *Scots* Commissioners.

Propositions
of the *English*
Lords for
maintenance
of the *Scots*
Army.

‘ **W** Hereas your Lordships propounded as a Competency for the maintenance of your Army Thirty thousand pounds *per mensem*, at thirty days to the month, we leave unto you as a fitting Competency (as we conceive) the continuance of those Contributions, which have been formerly settled by the Counties of *Cumberland*, the Bishoprick of *Durham*, and the Town of *Newcastle*, amounting unto the sum of Eight hundred and fifty pounds *per diem*. But so as for the raising of the said sum, the Lands of the Bishops, Dean, and Chapter, Clergy, and Papists, shall be no otherwise charged, or Taxed but by the ordinary ways of Levies of the said Contributions. And that the said *Scotch* Army, in regard of the said Eight hundred and fifty pounds forbear to take any Exaction, Tax, Provision, or Forage whatsoever from the said Counties, or any other place. As likewise leaving free to his Majesty, and all others the Custom of Coal; and all other Customs; The true meaning being that for all pretexts, and demand whatsoever, the said *Scotish* Army remain fully satisfied, with the payment of the said eight hundred and fifty pound *per diem*. And that the Bishop, other Clergy-men, and all other Inhabitants of the Bishoprick of *Northumberland*, and of the Town of *Newcastle*, shall have free liberty to return into their Dwellings, and to enjoy their own without any Molestation.

‘ And in regard of the said Contribution, payed by those Counties, the said *Scotish* Army is to give security, that both whilst they stay, and liberty when they shall either disband, or march back with their Army they shall keep, and save the said Counties from all spoil or plundering.

‘ And that upon settling, and perfecting of the payment of this Contribution there be presently declared on both sides a Cessation of Arms, and certain limits, and bounds, which neither side shall pass, in any hostile manner.

‘ And for the securing of the said payments all reasonable satisfaction shall be given them.

‘ And the said payments to begin from this present sixteenth of October, 1640. And to continue for the space of two months, if the Treaty shall so long last, and to be paid weekly *Pro Rata*.

‘ And

‘ And as soon as this Accommodation for the maintenance of the Scotch Army shall be settled, and signed by the Commissioners on both sides, there shall be a present entry upon the main Treaty:

I 6 4 0.

To which the Scots Commissioners gave in their Answer in writing, as followeth :

AS with all due Respect we acknowledge the benefit of the condescending to the maintenance of our Army, and are glad that your Lordships are begun to think upon the competency, so do we represent that neither the 850 l. which these Counties were moved to grant per diem, nor the 30000 l. demanded by us, were conceived by us to be a full maintenance, the one being only so much as we could with the consent of the Counties obtain, and the other joyned with all the supplies, that can be made by our selves being reckoned to be a Competency. And therefore least contrary to our Hopes, the Army be put into worse condition than before the Treaty, we desire your Lordships to consider that besides the 850 l. per diem, they had the time past, the benefit of the Customs, of Provision of Coals, and of such a Proportion of Forage: We indeed desire that his Majesties Customs may be left free, but we hope that your Lordships will think upon some supply of that want, and will also provide that the Army be still furnished with Coals and necessary Forage; we do not deny the difference to be wide betwixt the former Loan, and the allowed maintenance, but touching the point of the present Provision of Armes, which in the case of necessity is principally, and above all other considerations to be looked unto by us, the inequality betwixt that which we had, and which is now allowed, is very considerable, when the Competency shall be condescended upon, we shall content our selves therewith, nor shall neither molest Papists, nor Prelates, nor their Adherents, during the time of the payment of the maintenance.

The Scots Answer.

As it was grievous unto us, that the Inhabitants of Newcastle, or any others of what Quality soever should have left their dwellings, so shall we be glad of their return, and shall refuse them no kindness, nor courtesie which can stand with the Accommodation of the Army.

We also promise what security is usual in like cases, that during the abode of the Army, and in their return none of those Counties shall be spoyled, or plundered, but so far as is possible shall be saved from all harm and damage. But withal it is supposed that the days of our returning be numbred within the compass of the time of our allow'd maintenance. Concerning the Cessation of Arms, and the Limits of both Armies, we heartily agree unto both.

It is desired that the security of payment promised by your Lordships be condescended upon in all particulars.

That the payment of the maintenance to be agreed upon begin at the first of October, and continue during the Treaty, and till our Peace be secured by Parliament, and that the second payment be made weekly.

That all Arrearages, which are resting unpaid, preceeding the first of October be presently paid, together with the days past since the first of October of the allowed maintenance to be agreed upon.

That there be free Trade by Sea and Land, as in time of Peace; and that Victuals, and other necessaries for the Army be free of Custom.

That all Restraints be removed, and the Subjects of the Counties made free to furnish us necessaries for our Money, and all sort of Commerce allowed, and Liberty granted of Milning, Brewing, Baking, and other things of that kind.

That

1640.

That the outrage or Irruption of any Souldier be not accounted a Breach of the Cessation, but that the losses be repaired, and the Dilinquents punished.

So soon as the maintenance shall be settled, and secured, we shall be most willing to enter upon the Treaty it self.

The English Lords added this following Paper in Answer.

First concerning the 850 l. per diem, we find it to be the uttermost as the Countrey can bear, and it is a Contribution fit for any Army only for safety, and security, especially where any other means, by lessening of the Kings Army, or otherwise is offered, to remove all doubts or jealousies, so that you may make your Army suitable to the means of maintaining it, besides to give any great allowance whereby a greater Army shall be sustained, will cause a greater distrust, and apprehension in the whole Kingdom of England, and therefore we do adhere to our former propositions.

As for an allowance for Coals and Forage, if any thing be left to the Souldiers discretion were to leave things to great uncertainty, and occasions of differences, but for money at reasonable prices agreed upon, the Army is to be provided.

Concerning the day of payment to be the first of October. We have already endeavoured to settle with the Countries the payment for two months from the 16th of October, and it would overthrow our former endeavours. Further it is conceived to be no way prejudicial to the Scottish Army, since the same sum of 850 l. per diem, is to be made good unto them upon the Arrears even until this day.

For the opening of the Port his Majesty is pleased to give way unto it, it being always to be understood that no Arms or Ammunition is to be imported.

As for the days of the returning of the Army it is to be numbred within the days of Contribution. It is fit that the security for payment be settled in all particulars.

The Scots upon the 17th of October gave in this Answer to the last Paper of the English Lords.

Our constant desires against all suspicions, and jealousies to obtain our demand, and to have a firm and well-grounded Peace concluded, and for this end, that the Treaty may be continued, and our hopes of supply, by opening of the Sea-ports, and freedom of Trade by Sea, and Land, do so prevail with us, that we resolve rather to overburthen our selves, with a part of the maintenance, and to accept of the 850 l. per diem, than that the Treaty should be broken up, and the dangerous consequents to both Kingdoms should follow, which we earnestly desire for our parts to prevent.

Although the beginning of the payment at the first of October hath been still pressed, and expected by us, and the transferring thereof to the 16th of October importeth no small prejudice, yet lest in any point we should cross your Lordships laudable endeavours, already taken for settling the payment for two months from the 16th of October, upon the payment of the By-forms, and sufficient surety for afterward, we return also that condition.

As we desire that there be no need of new Arms, and Ammunition, so do we not crave liberty that any be imported, during the time of the Treaty. In this point we are satisfied with the liberty of Trade and Commerce by Sea and Land, as in the time of Peace, which may be profitable to both Kingdoms, and prejudicial to neither of us.

Since

Since both desire, and have accorded that the security be settled in the particulars, and signed before we enter upon the demands, it were fit we should now agree upon all the particulars of the security, that there be no more Question about it at the time of the Treaty.

1640

We desire also your Lordships Answer to such particulars as are expressed in a Paper given in yesterday, which are not yet answered, and that in point of Cessation of Arms, the limits be fixed to both Counties, and the matter of Coal, and Forage be made so plain and clear that there be no misunderstanding.

Rippon 17. October,

1640.

In conclusion they came to agree upon these Articles for the maintenance of the Scots Army.

1. **F**irst, That the Scotch Army now lying in the Counties of Northumberland, Bishoprick of Durham, and Town of Newcastle, shall have for a competent maintenance the sum of 850 l. per diem, being the sum before agreed on by the Counties; and that the payment thereof shall begin upon the 16th of October, and to continue for two months, in case the Treaty shall so long last; which payment to be made weekly upon the Friday of every Week, the first Friday being the twenty third day to be for the payment of the Week past.

2. The days of the returning of the Army to be numbred, within the days of the allowed maintenance.

3. That the Scotch Army shall content themselves with the aforesaid maintenance, and shall neither molest Papists, Prelates, nor their Adherents, nor any other persons of whatsoever quality, during the time of payment, but shall keep themselves free of all other Taxes and Plunderings not only during their abode, but in their returns, and such security as is usual shall be given for the performance of the same, and this to be ordered upon the condition of the Treaty.

4. That the Inhabitants of the said Counties shall also have liberty, to return peaceably to their own dwellings, and shall be refused no courtesie, it being always presupposed that the fit Lodging of their Army shall be allowed.

5. That the Army be furnished with Coals in a regular way, and not at the pleasure of the Souldiers, which is especially recommended to the care of the Scotch Commissioners.

6. That there be a provision of Forage at the prices to be set down in a Table, which must also contain the particular prices of all sort of Victuals, and other necessities for the Army, to be indifferently agreed upon by persons nominated on both sides.

7. That the Sea-ports be opened, and there be free Trade and Commerce by Sea and Land, as in the time of Peace; with this proviso, that with the Victuals no Arms nor Ammunition be imported into Newcastle, or any Harbour of England, and this free Trade and Commerce to be presently intimated, and not to be interrupted, but upon the warning of three months, that there may be a sufficient time allowed for Ships to return, and for the disposing of their Commodities.

1640.

‘ 8. That Victuals and other Necessaries for the Army be free of Custom; And that his Majesties custom of Coals, and other Ware be left free to be levied by his own Officers.

‘ 9. That all restraints be removed, and that there be a freedom to furnish necessaries for both Armies, in such sort as is agreed on by the Articles, and liberty be granted for Milling, Brewing, Baking, and other things of that kind.

‘ 10. That the Arrears be compleatly paid to Octob. 16. and that such Rents as are anticipate, and not yet due, be allowed in the Arrears.

‘ 11. That there be a Cessation of Arms according to the particulars to be agreed upon.

‘ 12. As for securing the sum of 850 l. *per diem* above specified, there is a Committee appointed by the Great Council of the Peers, who have power to Treat with *Northumberland*, the Bishoprick of *Durham*, *Newcastle*, and (if need require) with other adjacent Counties, that there may be a real performance of what is agreed on by us: And for that we find many Difficulties of raising the Contribution out of the Counties of *Northumberland*, the Bishoprick, and Town of *Newcastle*, we have thought fit and necessary to add unto them the Counties of *Cumberland* and *Westmerland*, to assist towards the said Contribution according to their abilities.

‘ 13. And further, the Lords will before their going from *Tork* settle a Committee who shall have charge to see the Contribution orderly raised and paid; and that there shall likewise be a Committee nominated of the Lords Commissioners, to whom either the *Scotch* Commissioners may address, or the Committees of the Countrey may Weekly give an Account of the carriage of the business. And that from thence there may further Order be given for the due performance of that which is promised. Signed

Bedford
Bristol
Holland
Berkshire
Ed. Mandevile
Ph. Wharton
Ro. Brook
J. Paulet
Ed. Howard

Fr. Dunsemore
Dumfermling
Lowdon
Patrick Hepburn
W. Douglass
J. Smith
William Wedderbourn
Alex. Henderson
William Johnston

The Committee appointed by the Estates of Parliament Resident at *Newcastle* approves the within and above-written Articles.

Roths
Lowthian
Balmerino
Napier

William Riccarton
Tho. Hope
Gibson Dury
J. Sword

To

To this purpose a Letter was written from the Great Council at York, to the Gentlemen and Free-holders of Northumberland, as follows :

1640.

*A*fter our hearty Commendations unto you, His Majesty and the Great Council of Peers now assembled, much commiserating the great Losses which your County hath sustained by the Scottish Army, and the utter plundering thereof which would in all probability follow, unless some present Remedy be taken for preventing of the same, commended it to the care of the Lord Commissioners remaining at Rippon, that some course might be taken for your Relief; who finding no other better way, thought fit, That all you of the said County should continue your former Contributions of Three hundred pounds per diem; which if you shall chearfully and readily do, the said Lords will so agree with the Scottish Commissioners, that you may be free in your Persons, and safe in your Estates; during the continuance of that Contribution. And you shall likewise be recommended by his Majesty and this Great Council to the now approaching Parliament, that you may have Reparation made you, not only for such Contributions as now you shall agree unto, but for your former Contributions, and other losses sustained by you from the Scottish Army. And since the Gentlemen here attending this Business for your County, would not conclude you without your own consent, We have thought fit, to let you receive from them the Advice and Direction of this Great Council, which for your own good and safety, We recommend unto you, and wish you to listen unto, that greater inconveniencies fall not upon you. And so we bid you heartily farewell, and rest

Octob. 19. 1640. A Letter to the Gentlemen and Free-holders of Northumberland.

Your loving Friends,

York, October 19. 1640.

J. Finch
Strange
Mowbray

Matrevers
Clifford

A second Letter to borrow 200000 l. was also sent by the Lords of the Great Council to the City of London, as follows :

*A*fter our hearty Commendations to your Lordship and the rest; By our Letters of the twenty fifth of September last, and by those Lords which were the Bearers of them, We made known unto you, in what condition the County of Northumberland and the Bishoprick of Durham stood, and how much it concerned the adjacent Counties, and in consequence the whole Kingdom, that his Majesty should continue his Forces together, till by the happy success of the present Treaty, or the great Wisdom of the Parliament, some course might be taken for a firm Peace or just War: Being satisfied that his Majesty was altogether unprovided of Money, for keeping of his Forces together, till the Parliament might have time to settle a course therein agreeable to their Wisdoms. And having all resolved, That it was necessary for his Majesty to be supplied with the sum of Two hundred thousand pounds, as well for continuing his Forces together, as for orderly dismissing of them, when it should be fit so to do; We made it our hearty and affectionate request unto you, that you would not at this time be wanting to assist his Majesty, and oblige the whole Kingdom by lending that sum: for which we then offered (as we still do, and shall be ever ready to perform) to joyn with his Majesty in any such Security, as should be agreed upon by those Lords and your selves. We then gave you our Reasons and Opinions, how much it imported the publick preservation both of King and

York Octob. 19. A second Letter to the Lord Mayor of London.

1640.

Kingdom, assuring our selves, that the consideration thereof, with your own affections and love of the publick, would incline you, to lend willing ears to our Requests, wherein we find we have not been deceived; your chearfulness and forwardness herein, having been represented unto us by those Lords that came unto you from this Great Council, for which we give your Lordship and the whole City very hearty thanks; his Majesty making every day his Grace and Goodness so appear unto Us, that we cannot but take infinite comfort in the knowledge and confidence of his gracious Resolutions, of which we doubt not, but you and the whole Kingdom will very quickly find the comfortable and happy effects. We are now in a hopeful way of making this Treaty successful to the content of those Kingdoms. But in affairs of so great weight and importance, time and mature deliberation are requisite, lest by precipitate Counsels, the danger might be increased, instead of being prevented: so as we cannot yet find any reason, to advise the disbanding his Majesties Forces; especially since by the Wisdom of the Lords Commissioners deputed by his Majesty and this Great Council to Treat with those of Scotland, care is taken for relieving the Counties of Northumberland and the Bishoprick of Durham, by a Contribution to the Scots Army, during the Treaty; that so by a present Cessation of Arms, those greater Inconveniencies may be avoided, which otherwise would light upon his Majesties Subjects in those parts. And as the keeping together of his Majesties Forces till those of Scotland disband, cannot but facilitate and advance the Treaty; so it were dishonourable and unsafe, that his Majesties Army should not in the mean time be well provided for: therefore we once again earnestly and heartily pray you, as you tender the publick good and safety, to make all possible speed in supplying his Majesty presently with the remainder of the Two hundred thousand pounds, that it be not useless to his Majesty and the Kingdom, by the too late furnishing of it. For should his Majesty for lack of means to pay his Army, be enforced to dissolve it, the whole Kingdom would be in apparent and eminent danger. The care of preventing this publick Danger, wherein we are all so deeply concerned, hath been the cause of these our second Letters, that you might truly understand the necessity of your speedy aid and assistance. By those Lords which we sent unto you with our first Letters, we gave you notice of those days of payment, which his Majesties occasions did require, which were the 12th of this Month for Fifty thousand pounds, the 15th of November for One hundred thousand pounds, and the first of December for the last Fifty thousand pounds. And upon consideration of the State of his Majesties Army, we plainly foresee, That if you should fail his Majesty, and our very earnest desires herein, it would be impossible for his Majesty to hold his Forces together; which we all with one heart earnestly wish and advise his Majesty should do. And cannot but again and again very affectionately commend the same to your Loves and Care. And so we bid you heartily farewell, and rest

Your very loving Friends.

Tork, October 19. 1640.

To our very loving Friends, the Lord Mayor, the Aldermen and Commonalty of the City of London.

The Scots having thus withdrawn the Treaty upon these preliminaries, and by gaining the point of Maintenance fixed themselves in England; and the time of Parliament approaching, at which the King and Nobility were to be present at London, their great Master-piece was to get the Treaty

Treaty removed thither, where they doubted not but by the Assistance of their Friends in that Parliament to do their business most effectually. If his Majesty had summoned the Parliament to meet at *Tork*, as upon several like occasions his Royal Ancestors were accustomed to do, it might have given a great disappointment to their designs; which were to assure themselves of a Party, so as either to be able to make their own conditions by a Peace, or force them by a War. For this purpose having driven the *English* Lords to so narrow a point of time as was impossible to dispatch the Treaty in before the Parliament, and having at their first entrance into *England* made the popular Remonstrance of desiring to have their desires heard and a Peace concluded in Parliament, the *English* Lords Commissioners writ to his Majesty upon this subject the ensuing Letter :

I 640.

May it please your Majesty,

WE have thought it fit to give your Majesty a perfect Account of the Estate of your affairs at this present; which we conceive will best be done, by transmitting unto your Majesty the Papers themselves, which go herein inclosed; your Majesty will see, that the Scotch Commissioners are not fully and finally satisfied with the Security which we have been yet able to propound unto them for the raising of the Eight hundred and Fifty pounds a day, which was the Contribution formerly settled by the Countrey with them. But finding that they are very clearly dealt withal, and that all possible endeavours are used for their satisfaction in this point, they think it fit to represent the true State of the business to those of Newcastle; and in the interim, although their Instructions be, not to enter into the main Treaty, until the Competency for the maintenance of their Army be fully secured; yet for the beginning of time, they are contented to enter upon a debate of their demands, and so to prepare them, that they may be in a readiness for a conclusion when they shall receive power; and this day (God willing) we shall give a beginning unto that work. But we entring into a due consideration of the multitude of the Articles to be Treated of, and of the intricacy and difficulty of many of them, and likewise, that divers of the said Articles cannot be settled before the Parliament, the time whereof approacheth so fast, that there will be few days left to be employed in the settling of this Treaty, before there will be a necessity for us to undertake our Journey towards the Parliament, we have holden it our Duties to represent this straitness of time unto your Majesty, and with it our most humble Opinion, that as you were formerly pleased, that this Treaty might have been transferred from Rippon to York; so you will be now pleased, that it be transferred from hence to London, without breaking or dissolving of the Treaty; and that you would be pleased to give us Power to Treat and settle the said Removal with the Scotch Commissioners. All which we must humbly submit to your Majesties great Wisdom.

The Lords Commissioners to the King to transfer the Treaty to London.

One thing further we presume to represent unto your Majesty, which is the present opening of the Ports; being a thing as much desired by your Majesties Subjects of England, as by the Scots. And that it is already agreed by the Articles of the Cessation, and likewise assented unto by your Majesty by the Advice of the Peers, that both the Ports and Trade by Sea and Land might be set free upon the first entrance into the Treaty. Many other Reasons there are, especially concerning the Coal, which are represented unto us, both for the benefit of London and the whole Kingdom; by which it is made apparent unto us, that much more disadvantage would redound unto your Majesties good Subjects,

1640. jects, than to the Scots, if any such stop of Trade should be continued. God have your Majesty in his holy keeping.

Your Majesties most humble and
most obedient Subjects.

Rippon, Octob. 21. 1640.

All the Sixteen Commissioners signed this Letter.

To the Kings most Excellent Majesty-

To this Letter of the Commissioners the King commanded the Lord Keeper to write an Answer as followeth :

My very good Lords,

The Kings
Answer.

*H*is Majesty calling this Day the Great Council, was pleased to acquaint them with those Papers your Lordships sent, together with a Letter to his Majesty from your selves. Upon some Debate had, his Majesty and my Lords commanded me to write thus much to your Lordships, that they held it most necessary, that a Cessation of Arms be absolutely concluded and agreed on before his Majesty or your Lordships depart hence. Upon which Cessation, and not before, the Ports to be opened, and free Trade permitted : but not for bringing in of Ammunition to Newcastle, as your Lordships may remember, was always insisted upon. Their Lordships are likewise of opinion, that your Lordships should endeavour to procure the Scottish Commissioners presently to clear their demands, by delivering the particulars thereof in writing to your Lordships, and explaining them, so as it may be fully understood what it is they expect ; and especially in point of Satisfaction for their Costs and Damages. This his Majesty and the Lords believe will be a very easie work, and take but little time, since it is in effect offered by the Scottish Commissioners in one of their Papers dated the twentieth of this month. This done, his Majesty and my Lords will take into consideration, the adjourning the Treaty to London, and let your Lordships receive his Majesties pleasure therein. I rest

Your Lordships most humble

and affectionate servant,

York, Octob. 21. 1640.

Jo. Finch, C. S.

The Lords Commissioners having received this Answer from his Majesty, by the following Letter to the Lord Keeper pressed for Power to transfer the Treaty to London.

To the Lord Keeper, October, 23.

Our very good Lord,

*W*E have received your Lordships Letter, and give your Lordship many thanks for your Care in giving us so speedy an Answer ; we have now sent our humble Advice to his Majesty, that we all conceive it most conducing
to

to his Majesties Service, that the Treaty be transferred to London: and do humbly beseech his Majesty, that we may receive power and directions to treat and settle with the Scots all particulars belonging to the same. We do intreat your Lordship, to afford your Assistance for the expediting of this Dispatch; for if it be delayed, we shall not well be able to reach York to morrow night; which would fall out very prejudicial to us in point of time for our Journey to London. Thus we commit your Lordship to the protection of the Almighty, and rest

Your Lordships Friends and Servants.

Rippon, Octob. 23. 1640.

Signed by all the Lords Commissioners.

Whereupon his Majesty recommending to their Lordships Care and Wisdom, the settling the Cessation of Arms, and the procuring from the Scotch Commissioners, as full and clear a setting forth of their demands as possibly they could: sent them this Commission to remove the Treaty from Rippon to London.

CHARLES REX.

Right Trusty and right well beloved Cousins and Counsellors of our Great Council, and right Trusty and well beloved Counsellors of our said Great Council, We greet you well. Whereas We have received your unanimous Advice, That it will most conduce to Our Service, that the present Treaty with our Subjects of Scotland, be transferred from Rippon to London, We are so confident us well of your judgments and discretions, as of your Fidelity to Our Service, That we cannot but condescend thereunto. And do therefore hereby give you or any Ten or more of you, full Power and Authority to Treat and Settle with our said Subjects of Scotland, all particulars belonging to the said Removal. For which this shall be your sufficient Warrant. Given at our Court at York this Three and Twentieth day of October, in the Sixteenth Year of Our Reign.

The Treaty transferred to London.

After much debate the Commissioners on both sides agreed to a Cessation of Arms upon these following Articles.

Articles agreed on concerning the Cessation of Arms, betwixt the English and Scotch Commissioners at Rippon the twenty sixth day of October, 1640.

1. **T**hat there be a Cessation of Arms both by Sea and Land from this present.
2. That all Acts of Hostility do henceforth cease.
3. That both parties shall peaceably retain, during the Treaty, whatsoever they possess at the time of the Cessation.
4. That all such Persons who live in any of his Majesties Forts beyond the River of Tees, shall not exempt their Lands which lye within the Counties of Northumberland and the Bishoprick, from such Contribution, as shall be laid upon them for the payment of the 850 l. a day.

Cessation of Arms agreed on, Octob. 26:

5. That

640.

5. That none of the Kings Forces upon the other side of *Tees*, shall give any impediment to such Contributions, as are already followed for the Competency of the *Scotch* Army, and shall take no Victuals out of the bounds, except that which the Inhabitants and Owners thereof shall bring voluntarily to them : And that any restraint or detention of Victuals, Cattle and Forage which shall be made by the *Scots* within those bounds for their better maintenance, shall be no breach.

6. That no Recruits shall be brought unto either Army from the time of the Cessation, and during the Treaty.

7. That the Contribution of 850 *l.* a day, shall be only raised out of the Counties of *Northumberland*, the *Bishoprick*, Town of *Newcastle*, *Cumberland* and *Westmorland*; and that the not payment thereof shall be no breach of the Treaty ; but the Counties and Town so failing, it shall be left to the *Scotch* Power to raise the same, but not to exceed the Sum agreed upon, unless it be for the charges of driving to be set by Commissioners of the Forage.

8. That the River of *Tees* shall be the bounds of both Armies excepting always the Town and Castle of *Stockton*, and the Village of *Eggscliffe*: And that the Counties of *Northumberland* and the *Bishoprick* of *Durham* be the Limits, within the which the *Scotish* Army is to reside ; saving always Liberty for them to send such Convoys, as shall be necessary for the gathering up only of the Contributions which shall be unpaid by the Cities of *Westmorland* and *Cumberland*.

9. If any persons commit any private Insolencies, it shall be no breach of the Treaty, if (upon Complaint made by either party) reparation and punishment be granted.

10. If Victuals be desired upon that price which shall be agreed upon, and ready money offered for the same, and refused ; it shall be no breach of the Cessation, to take such Victuals, paying such price.

11. No new Fortifications to be made during the Treaty, against either party.

12. That the Subjects of both Kingdoms, may in their Trade and Commerce freely pass to and fro, without any Pass at all ; but that it be particularly provided, that no member of either Army should pass without a formal Pass under the hand of the General, or of him that Commandeth in Chief.

Bedford

Bristol

Holland

Berkshire

Ed. Mandevile

Ph. Wharton

Ro. Brook

J. Paulet

Ed. Howard

F. Dunsmore.

Dunfermeling

Lowdon

Patrick Hepburne

William Douglass

J. Smith

William Wedderburn

Alex. Henderson

William Johnstown.

At *Newcastle*.

THE Committee appointed by the Estates of Parliament resident at *Newcastle*, do approve the within written Articles.

Roths

Lowthian

Balmerino

Napier.

W. Riccartown

Tho. Hope

Gibson Durie

Ja. Sword.

The next day after the agreement of these Articles, the Scots having gained the two points they aimed at, (*viz.*) Maintenance for their Army in *England*, and the transferring of the Treaty to the Parliament at *London*, where they were assured of many Friends in both Houses, the Treaty broke up at *Rippon*, and the *English* Lords Commissioners returned to *York*, where in the great Council of *Peers*, the Earl of *Bristol* gave a short Narrative of the proceedings of the Treaty, The Articles for Cessation of Arms and Maintenance of the *Scots* Army were read.

‘After which his Majesty then demanded of the Lords, whether they would counsel him to confirm the said Treaty, and required them; that they would therein give their Advice. Whereunto it was replied in the name of the Commissioners, that as they had served his Majesty in this Treaty with exact fidelity, so in their Advice and Counsels they would be glad to serve him according to their Consciences: the first being an Act of pure Obedience, the other of their Judgments and Opinions. And therefore they humbly besought his Majesty, That they might retire and confer among themselves: Which his Majesty was graciously pleased to assent unto. Upon their debating and weighing of the particulars of the said Treaty, they found that it could not be held derogatory to the honour of the King and Kingdom, to treat at all with Subjects, and such as had already actually possessed themselves of several Provinces of this Kingdom. They found likewise many of the Articles unfit to have been condescended unto by any Army, that had been but in a probable condition of defence. They therefore thought it not fit for them, absolutely to give the King any such Advice, unless they might jointly with it obtain his Majesties leave, to make unto him a Declaration of such Reasons and Motives, as induced them to give the said Advice; which being assented unto by his Majesty, they caused a short Declaration to be read, to the effect of that which followeth.

‘That they must crave his Majesties leave, to reduce into his Memory, those Reasons and Motives, which first induced the Lords of the Great Council to advise his Majesty to admit of a Treaty, then of a Cessation of Arms, and lastly of a Competency towards the maintenance of the *Scottish* Army, thereby to save the Countries under the *Scotch* power from plundering. For that the same Motives, which had produced the former unanimous Council of the *Peers*, were likewise now to be the grounds of their present advice, which they held fit to be set down by way of Declaration, for the better Justifying of this their Advice, both towards his Majesty, and towards the World.

‘They then declared, That at the first Assembling of the Great Council, his Majesty propounded two things unto them; The one, How his Majesties own Army might be held together, untill it might be helped by those Supplies which were hoped for by Parliament? The *Peers* with great alacrity and affection fell presently into debate, how a considerable Supply might speedily be raised. And conceiving no means so effectual, as by a Loan of *Two Hundred Thousand Pounds* by the City of *London*; they cheerfully and unanimously offered their Security by Bond, to be joyned with such as should be offered on his Majesties behalf, if need should so require. And to that effect they wrote their Letters to the Mayor and Citizens of *London*, and dispatched away divers of the *Peers*, to sollicite and take care of the said Loan.

1640.

‘The Second Proposition made by his Majesty was, What Answer he should give unto the *Scots*, and in what way he should Treat with them? having formerly promised an Answer to their Petition presently upon the meeting of the Great Council. Hereunto the Peers made Answer, That they could not well give any Advice herein, without a perfect Information of the State of his Majesties Affairs, and the present condition of his Army; which points falling then naturally under debate, it was upon Examination found, that the *Scotch* Army had passed the River of *Tyne*; and that upon disputing the passage at *Newburn*, our Horse were put to the worst, and had retired in disorder. That his Majesties Army of Foot then in *Newcastle*, had likewise retired from thence unto *Tork*; whereby that Town fell the next day into the hands of the *Scots* without resistance: so likewise did the whole Countries of *Northumberland* and the *Bishoprick*; which were presently drawn into Contribution, *Newcastle* paying *Two Hundred Pounds per diem*; *Northumberland* *Three Hundred Pounds*, and the *Bishoprick* *Three Hundred and Fifty*. And it was declared by Mr. Secretary *Vane*, that these Contributions were not consented unto by the Countreys, untill they were put out of all hope of Protection by the Kings Forces. For he delivered it in the Great Council, that the chief Gentlemen of the *Bishoprick* addressing themselves unto him, he carryed them to his Majesty, who was pleased to refer them to the Lord Lieutenant; who positively declared unto them, that they could not expect any relief from his Majesty; and therefore left them to make the best Conditions they could for themselves and their Estates.

‘The Lord Lieutenant likewise declared in the Great Council, That it was not possible to keep the Counties of *Cumberland* and *Westmorland* out of the *Scotish* power, whensoever they should endeavour to take them in: And for the Town of *Newcastle*, he said it was not to be gotten out of the *Scots* hands this Winter, although his Majesty had an Army of One Hundred Thousand Men. He further declared, That (unless it were by the Difficulties of an Army to march in Winter) the *Scotch* Army could not be hindered from passing forwards into *England*; for that the Passages of the River of *Tees*, which is the Boundary of *Torkshire*, was not to be defended, being in many places fordable by Forty Horses in Front; neither could the said Army be kept from marching up unto *Tork*, without the adventuring to give them Battle; which his Lordship said he would not advise: neither conceives he his Majesties Army for the present, to be in a fitting posture to fight. For although it consisted of a considerable number, and very good bodies of men; yet, for want of use of their Arms, he held it not fit to rely upon them, especially where so much was to be hazarded, and so little to be gained.

‘Upon these grounds, the Great Council formerly gave their Advice unto his Majesty for the Treaty concerning a Cessation of Arms, and easing of the Counties under the *Scotch* power, by settling a Competency by agreement. And upon the same grounds, the Commissioners (finding no Cause by any Alteration in his Majesties Affairs for the better, but rather some doubts and uncertainties, about the Supplies from the City of *London* (as was publickly declared unto the Great Council of the Peers) and that there was not means for the payment of the Army for one Fortnight longer) the said Commissioners upon these grounds, (as likewise, there being no reason to question his Majesties powers granted unto them under the Great Seal of *England*, by which they had treated and concluded the Articles by them signed, did give their Advice to his Majesty, to Confirm the said Articles

Articles, and all that had been signed and condescended unto by the said Commissioners ; conceiving it to be great Wisdom in a Prince (in cases of Necessity) to dispense with the strict rules of Honour, for the safety and preservation of his Estate and People.

And upon the same reasons, the rest of the Peers there present, concurred in their Advices unto his Majesty. And thereupon his Majesty was pleased the same day, in the presence of the said Great Council, to confirm under his Hand and Signet, all that had passed and been agreed upon betwixt his Majesties Commissioners and the Commissioners of the Scotch Army.

In this time that his Majesty kept his Residence at York, his Grace the Archbishop of *Canterbury* being made acquainted from Sir *William Boswell* his Majesties Liedger Ambassador at the *Hague*, with a great Design of the Papists against his Majesties Person, the Lord Archbishop of *Canterbury*, and the Protestant Religion, communicated it to the King, which Relation is inserted in regard it is so clear a Vindication of his Majesty and the Archbishop from the horrid Calumnies of intending to intrude Popery, which was the Fatal Engine that supported the Rebellion and brought those Illustrious Lives to infamous and untimely Ends ; as also that it affords much light to the secret influence, which Cardinal *Richelieu* and the Jesuits gave both to the *Scotish* Commotions and *English* Rebellion. For these Serpents who in disguise crawled both about the Court and Country mutually exasperated them one against the other ; animating the King against his Subjects, as Designing against his Crown and Dignity, and the Subjects against their Prince, as aiming at the Subversion of their Laws, Liberties and Religion. Which Jealousies meeting with discontented persons, formed such deep impressions in their minds, and thousands of deluded people, as occasioned all those Tragical Effects hereafter Related.

A great Plot of the Papists discovered to the Arch-Bishops, and by him to the King at York.

The Narrative is as follows :

Sir William Boswell's first Letter to the Arch-Bishop of Canterbury concerning the Plot.

May it please your Grace,

THE offers (whereof your Grace will find a Copy) here inclosed towards a further and more particular Discovery, were first made unto me at the second hand, and in speech, by a friend of good Quality and worth in this place ; but soon after (as soon as they could be put into order) were avowed by the Principal Party ; and delivered me in Writing by both together, upon Promise and Oath, which I was required to give, and gave accordingly, not to reveal the same to any other man living but your Grace, and by your Graces hand unto his Majesty.

In like manner they have tyed themselves not to declare these things unto any other but my self, until they should know how his Majesty and your Grace would dispose thereof. The Principal giving me withal to know, that he puts himself and this Secret into your Graces Power, as well because it concerns your Grace so nearly after his Majesty, as that he knows your Wisdom to guide the same aright, and is assured of your Grace's Fidelity to his Majesties Person, to our State and to our Church.

1640.

First, Your Grace is humbly and earnestly prayed, to signify his Majesties pleasure (with all possible Speed) together with your Graces Disposition herein, and purpose to carry all with silence from all but his Majesty until due time.

Secondly, When your Grace shall think fit to shew these things unto his Majesty, to do it immediately, not trusting to Letters, or permitting any other Person to be by or in hearing; And to entreat and counsel his Majesty as in a Case of Conscience to keep the same wholly and solely in his own Bosome, from the knowledge of all other Creatures living but your Grace; until the business shall be clear, and sufficiently in his Majesties and your Graces hands to effect.

Thirdly, Not to enquire or Demand the Names of the Parties from whom these Overtures do come, or any further Discoveries and Advertisements in Pursuit of them which shall come hereafter, until due satisfaction shall be given in every part of them. Nor to bewray unto any Person but his Majesty in any measure or kind, that any thing of this nature, or of any great Importance is come from me.

For as I may believe these Overtures are Verifiable in the way they will be laid, and that the Parties will not shrink; so I make account that if never so little a glimpse or shadow of these Informations shall appear by his Majesties or your Graces Speech or Carriage unto others, the means whereby the business may be brought best unto Tryal will be utterly disappointed; and the Parties who have in Conscience towards God, and Devotion to his Majesty, Affection to your Grace, and Compassion of your Country, disclosed these things, will run a present and extream hazard of their Persons and Lives. So easily it will be conjectured (upon the least occasion given upon his Majesties or your Graces parts) who is the discoverer; by what means and how he knows so much of these things, and where ^{du} he is: these are the points, which together with the offers they have pressed me especially to represent most seriously unto your Grace.

For my own particular having most humbly craved Pardon of any Errors or Omissions that have befallen me in the Messaging of this business, I do beseech your Grace to let me know;

First, Whether, and in what Order I shall proceed hereafter with the Parties.

Secondly, What points of these Offers I shall chiefly and first put them to enlarge and clear.

Thirdly, What other points and Enquiries I shall propose unto them, and in what manner.

Fourthly, How far further I shall suffer my self to hear and know these things.

Fifthly, Whether I shall not rather take the Parties Answers and Discoveries sealed up by themselves, and having likewise put my own Seal upon them, without questioning what they contain, so to transmit them to his Majesty or your Grace.

Sixthly, Whether I may not insinuate upon some fair occasions, that there will be a due regard held of them and their Service, by his Majesty and your Grace, when all Particulars undertaken in these General Offers, and necessary for Perfection of the discovery and work intended, shall be effectually delivered to his Majesty or your Grace.

Upon these Heads, and such other as his Majesty and your Grace shall think proper in the business, I must with all humility beseech your Grace to furnish me with Instructions, and Warrant for my Proceedings under his Majesties

jesties hand with your Graces attestation, as by his Majesties goodnes and Royal disposition is usual in like cases.

1640.

May it please your Grace to entertain a Cypher with me upon this occasion, I have sent the Counter-part of one here inclosed: In the vacant spaces whereof your Grace may insert such Names more, with Numbers to them as you think requisite.

If these Overtures happily sort with his Majesties and your Graces mind, and shall accordingly prove effectual in their operation, I shall think my self a most happy man to have had my Oblations in so Pious a Work for my most Gracious Sovereign and Master: more particularly, in that your Grace under his Majesty shall be, *Opifex rerum & mundi melioris origo*. Which I shall incessantly begg in my Prayers at his hands, who is the giver of all good things, and will never forsake or fail them, who do not first fail and fall from him, The God of all mercy and peace; with which I shall remain ever

Your Graces most Dutiful

and Obliged Servant,

WILLIAM BOSWELL.

I have not dared more to trust this Business without a Cypher, but by a sure hand, for which I have sent this Bearer my Secretary Express, but he knoweth nothing of the Contents hereof.

Sir William Boswell's Endorsement, For your Grace.

Hague in Holland, Sept. 9. 1640. *Stil. loci*.

The Arch-Bishop's Endorsement with his own hand.

Received Septemb. 10. 1640. Sir William Boswell's Letter about the Plot against the King.

Andreas ab Habernfield his Letter to the Arch-Bishop of Canterbury concerning the Plot revealed to him, Dated at the Hague Sept. 14. New Stile, 1640. which he sent enclosed in Sir William Boswell's first Letter, Sept. 14. 1640.

Most Illustrious and most Reverend Lord,

ALL my Senses are shaken together as often as I revolve the present business, neither doth my understanding suffice (to conceive) what wind hath brought such horrid things, that they should see the Sunshine by me; for besides expectation this good man became known unto me, who when he had heard me discoursing of these Scottish stirs, said that I knew not the Nerve of the business, that these things which are commonly scattered abroad are superficial. From that hour he every day became more familiar to me, who acknowledging my Dexterity herein with a full breast poured forth the burdens of his Heart into my bosome, supposing that he had discharged a burden of Conscience where-with he was pressed. Hence he related to me the Factions of the Jesuits, with which the whole earthly world was assaulted, and shewed, that

I

1 6 4 0.

‘ I might behold how through their poyson, *Bohemia* and *Germany* were
 ‘ devoured, and both of them maimed with an irreparable wound; that
 ‘ the same Plague did creep through the Realms of *England* and *Scotland*,
 ‘ the matter whereof revealed in the adjacent writing he discovered to me:
 ‘ which things having heard, my Bowels were contracted together, my
 ‘ Loins trembled with horror that a pernicious Gulf should be prepared
 ‘ for so many thousands of souls, with words moving the Conscience; I
 ‘ inflamed the mind of the man, he had scarce one hour concocted my ad-
 ‘ monitions but he disclosed all the secrets, and he gave free liberty that
 ‘ I should treat with those whom it concerned, that they might be in-
 ‘ formed hereof. I thought no delay was to be made about the things;
 ‘ the same hour went to Sir *William Boswell* the King’s Leger at the *Hague*,
 ‘ who being tyed with an Oath of Secrecy to me, I communicated the
 ‘ business to him, I admonished him to weigh these things by the ballance,
 ‘ neither to defer but act, that those who were in danger might be spee-
 ‘ dily succoured; He as becomes an honest man, mindful of his duty, and
 ‘ having nearer looked into the business, refused not to obey the moniti-
 ‘ ons; moreover he forthwith caused that an Express should be dispatch-
 ‘ ed, and sent word back again what a most acceptable oblation this had
 ‘ been to the King, and your Grace, for which we rejoiced from the
 ‘ Heart, and we judged that a safe and favourable Deity hath interposed
 ‘ it self in this business, whereby you might be preserved.

‘ Now that the verity of the things related might be confirmed, some
 ‘ principal heads of the Conspiracy were purposely pretermitted, that the
 ‘ knowledge of them might be extorted from the circumvented Society of
 ‘ the Conspirators.

‘ Now the things will be speedily and safely promoted into Act if they
 ‘ be warily proceeded at in *Bruxels*. By my Advice, that day should be ob-
 ‘ served wherein the Packet of Letters are dispatched, which under the
 ‘ Title of, To Monsieur *Strario* Archdeacon of *Cambray*, tyed with one
 ‘ Cover are delivered to the Post-Master; such a Packet may be secretly
 ‘ brought back from him, yet it will be unprofitable because all the inclosed
 ‘ Letters are written Charecteristically: likewise another Packet coming
 ‘ weekly from *Rome*, which is brought under this Subscription, *To the most*
 ‘ *Illustrious Lord Count Rosetti Legat for the time*. These are not to be
 ‘ neglected; to whom likewise Letters writ in the same Character are in-
 ‘ cluded; That they may be understood, *Read* is to be consulted with.
 ‘ The forenamed day of dispatch shall be expected: In *Read*’s House an
 ‘ accumulated Congregation may be circumvented, which succeeding, it
 ‘ will be your Graces part to order the business. The intestine Enemy be-
 ‘ ing at length detected by God’s Grace, all bitterness of mind which is
 ‘ caused on either side may be abolished, delivered to Oblivion, deleted
 ‘ and quieted, the Enemy be invaded on both parts: thus the King and
 ‘ the King’s Friends and both Kingdoms near to danger shall be preserved,
 ‘ delivered from imminent danger.

‘ Your Grace likewise may have this Injunction by you, if you desire
 ‘ to have the best Advice given you by others, that you trust not over-
 ‘ much to your Pursevants, for some of them live under the stipend of
 ‘ the Popish Party; How many Rocks and how many *Scylla*’s, how many
 ‘ displeased *Charybdes* appear before your Grace, in what a dangerous Sea
 ‘ the Cockboat of your Graces Life, next to Shipwrack is tossed, your
 ‘ self may judge, the Foredeck of the Ship is speedily to be driven to the
 ‘ Harbour.

' All these things I whisper in your Graces Ear, for I know it bound
' with an Oath of Secrecy, therefore by open Name I would by these
' presents become known to your Grace,

1 6 4 0.

Your Graces most Observant

Hague, Sept. 14. S. N.

and most Officious,

1 6 4 0.

ANDREW HABERNFIELD.

Andreas ab Habernfield a Chaplain (as some affirm) to the Queen of
Bohemia, his Endorsement hereon,

Illustrissimo ac Reverendissimo Dom. Domino Guilielmo Archiepiscopo Cantua-
riensi, Primati & Metropolitano totius Regni Angliæ, Domino meo.

The Arch-Bishops Endorsement with his own hand,

Received Octob. 14. 1640. Andreas ab Habernfield his Letters sent by
Sir William Boswell about the Discovery of the Treason.

The General Overture and Discovery of the Plot sent with Sir William
Boswell's first Letter, Sept. 6. 1640. Foreign Stile.

' **T**HE King's Majesty and Lord Arch-Bishop of *Canterbury* are to be
' secretly informed by Letters,

The general
discovery of
the Plot by A.
Habernfield.

' 1. That the King's Majesty and Lord Arch-Bishop are both of them in
' great danger of their lives.

' 2. That the whole Common-wealth is by this means endangered, un-
' less the mischief be speedily prevented.

' 3. That these *Scotish* troubles are raised, to the end, that under this
' pretext the King and Arch-Bishop might be destroyed.

' 4. That there is a means to be prescribed, whereby both of them in
' this case might be preserved, and this Tumult speedily composed.

' 5. That although these *Scotish* Tumults be speedily composed, yet
' that the King is endangered, and that there are many ways by which
' destruction is plotted to the King and Lord Arch-Bishop.

' 6. That a certain Society hath conspired, which attempts the death
' of the King and Lord Arch-Bishop, and Convulsion of the whole Realm.

' 7. That the same Society every week deposits with the President of
' the Society, what Intelligence every of them hath purchased in eight
' days search, and then confer all into one Packet, which is weekly sent
' to the Director of the business.

' 8. That all the Confederates in the said Conspiracy may verily be named
' by the Poll, but because they may be made known by other means, it is
' thought meet to defer it till hereafter.

' 9. That there is a ready means whereby the Villany may be discovered
' in one Moment, the chief Conspirators circumvented, and the primary
' members of the conjuration apprehended in the very Act.

10. 'That

1640.



‘ 10. That very many about the King, who are accounted most faithful and intimate, to whom likewise the more secret things are intrusted, are Traytors to the King, corrupted with a Foreign Pension, who communicate all secrets of greater or lesser moment to a Foreign Power.

‘ 11. These and other most secret things which shall be necessary to be known for the security of the King, may be revealed if these things shall be acceptable to the Lord Arch-Bishop.

‘ 12. In the mean time, if his Royal Majesty, and the Lord Arch-bishop desire to consult well to themselves, they shall keep these things only superficially communicated unto them, most secretly under deep silence, not communicating them so much as to those whom they judge most faithful to them, before they shall receive by name in whom they may confide, for else they are safe on no side. Likewise they may be assured, that whatever things are here proposed are no Figments, nor Fables, nor vain dreams, but such real verities which may be demonstrated in every small tittle, for those who thrust themselves into this business are such men who mind no gain, but the very Zeal of Christian Charity suffers them not to conceal these things, yet both from his Majesty and the Lord Arch-bishop some small Exemplar of Gratitude will be expected.

‘ All these premises have been Communicated under good Faith, and the Sacrament of an Oath, to Mr. Leiger Embassador of the King of Great Britain at the Hague, that he should not immediately trust, or communicate these things to any Mortal, besides the King and the Lord Arch-bishop of Canterbury.

‘ Subscribed, &c.

Present, &c.

Hagæ Com. Sept. 6. 1640.

In the Stile of that place.

Detectio, &c. offerenda Serenissimæ Regiæ Majestati Britanniae & Dom. Archiepiscopo Cantuariensi, &c. Sept. 6. 1640.

The Arch-bishop's own Endorsement,
Received Sept. 10. 1640. *The Plot against the King.*

The Arch-Bishop of Canterbury's Letter to the King concerning the Plot, with the Kings direction in the Margin, written with his own hand.

May it please your Majesty,

I beseech your Majesty read these Letters as they are Endorsed, &c. 1, 2, 3, &c. You had reason so to do.

AS great as the Secret is which comes herewith, yet I choose rather to send it in this silent covert way, and I hope safe, than to come thither, and bring it my self. First, Because I am no way able to make hast enough with it. Secondly, Because should I come at this time and antedate the meeting Sept. 24. there would be more jealousy of the business, and more enquiry after it, especially, if I being once there, should return again before that day, as I must if this be followed, as is most fit.

The Danger it seems is imminent, and laid by God knows whom, but to be executed by them which are very near about you (for the great honour which

I have to be in danger with you, or for you, I pass not, so your Sacred Person and the State may be safe.) Now may it please your Majesty, This Information is either true, or there is some mistake in it: if it be true, the persons which make the discovery will deserve thanks and reward; if there should be any mistake in it, your Majesty can lose nothing but a little silence.

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It is an unanswerable Dilemma.

The business (if it be) is extream foul. The discovery thus by Gods Providence offered, seems fair. I do hereby humbly beg it upon my knees of your Majesty, that you will conceal this business from every Creature and his Name that sends this to me. And I send his Letters to me to your Majesty, that you may see his sence both of the business and the Secresie. And such Instructions as you think fit to give him, I beseech you let them be in your own hand for his Warrant without imparting them to any. And if your Majesty leave it to his discretion to follow it therein in the best way he can, that in your own hand will be instruction and Warrant enough for him. And if you please to return it herewith presently to me, I will send an Express away with it presently.

I concur totally with you in opinion, assuring you that no body doth or shall know of this business, and to shew my care to conceal it, I received this but this Afternoon, and now I make this dispatch before I sleep. Herewith I send his Warrant as you advise, which indeed I judge to be the better way.

In the mean time I have by this Express returned him this Answer, that I think he shall do well to hold on the Treaty with these men with all care and secresie, and drive on to the discovery so soon as the business is ripe for it, that he may assure himself and them, they shall not want Reward, if they do the Service; That for my part he shall be sure of secresie, and that I am most confident your Majesty will not impart it to any. That he have a special eye to the Eighth and Ninth Proposition.

I like your Answer extream well, and do promise not to deceive your Confidence, nor make you break your word.

Sir, For Gods sake and your own safety, secresie in this business: And I beseech you send me back this Letter, and all that comes with it, speedily and secretly, and trust not your own Pockets with them, I shall not eat nor sleep in quiet till I receive them. And so soon as I have them again and your Majesties Warrant to proceed, no diligence shall be wanting in me to help on the discovery.

I have sent all back, I think these Apostyles will be warrant enough for you to proceed, especially when I expressly command you to do so.

This is the greatest business that ever was put to me, And if I have herein proposed or done any thing amiss, I most humbly crave your Majesties Pardon. But I am willing to hope I have not herein Erred in Judgment, and in Fidelity I never will.

In this I am as far from condemning your Judgment as suspecting your Fidelity. C. R.

These Letters came to me (saith the Arch-Bishop) on Thursday, Sept. 10. at Night, and I sent these away according to the Date hereof, being extreamly wearied with writing this Letter, copying out these other which come with this, and dispatching my Letters back to him that sent these, all in my own hand; once again Secresie for Gods sake, and your own: To his most blessed protection I commend your Majesty and all your Affairs, and am

Your Majesties most humble

and faithful Servant,

William Cant.

* York, 13th.

Lambeth, Sept. 11. 1640.

* The King's Hand and Date.

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* As I had ended these, whether with the Labour or Indignation or both I fell into an extream faint sweat, I pray God keep me from a Feaver, of which three are down in my Family at Croyden.

These Letters came late to me, the Express being beaten back with the wind.

The Arch-Bishops Indorsement with his own hand,
Received from the King, Sept. 16. 1640. For your Sacred Majesty, Tours Apostyled, The King's Answer to the Plot against him, &c.

Sir William Boswell's Second Letter to the Arch-Bishop of Canterbury.

May it please your Grace,

‘ **T**His Evening late I have received your Graces Dispatch, with the Enclosed from his Majesty, by my Secretary Oveart, and shall give due Account with all possible speed of the same according to his Majesties and your Graces Commands, Praying heartily that my endeavours which shall be most Faithful may also prove Effectual to his Majesties and your Graces Content, with which I do most humbly take leave, being alwaies

Your Graces most Dutiful

Hague, Sept, 24. 1640.

Stil. Angl.

and Humble Servant,

WILLIAM BOSWELL.

The Arch-Bishop's Endorsement.

Received Sept. 30. 1640. Sir William Boswell his Acknowledgment that he hath received the Kings Directions and my Letters.

Sir William Boswell's third Letter to the Arch-Bishop, sent with the larger Discovery of the Plot.

May it please your Grace,

‘ **U**Pon Receipt of his Majesties Commands, with your Graces Letters of the Ninth and Eighteenth of September last, I dealt with the Party to make good his offers formerly put in my hand, and transmitted to your Grace: This he hopes to have done by the enclosed, so far as will be needful for his Majesties satisfaction; yet if any more Particular Explanation of Discovery shall be Required by his Majesty or your Grace, He hath promised to add thereunto, whatsoever he can remember and knows of truth. And for better Assurance and Verification of his Integrity, he professeth himself ready (if required) to make Oath of what he hath already declared, or shall hereafter declare in the business.

‘ His name he Conjures me still to conceal, though he thinks his Majesty and your Grace, by the Character he gives of himself, will easily imagin who he is, having been known so generally through Court and City, as he was for three or four years in the Quality and Employment he acknowledgeth (by his Declaration enclosed) himself to have had.

‘ Hereupon

‘ Hereupon he doth also redouble his most humble and earnest Suit
‘ unto his Majesty and your Grace to be most Secret and Circumspect in
‘ the business, that he may not be suspected to have discovered, or had a
‘ hand in the same.

‘ I shall here humbly beseech your Grace to let me know what I may
‘ further do for his Majesties Service, or for your Graces particular behoof;
‘ that I may accordingly endeavour to approve my self as I am

*Your Graces most Dutiful and
obliged Servant,*

Hague October 15. 1640.

WILLIAM BOSWELL.

The Arch-Bishops Endorsement,

Rec. Octob. 14. 1640. Sir William Boswell in Prosecution of the great
business. If any thing come to him in Cyphers, to send it to him.

Which said larger Discovery here followeth,

*A large particular Discovery of the Plot and Treason against the King,
Kingdom and Protestant Religion, and to raise the Scottish
Wars.*

Most Illustrious and Reverend Lord,

WE have willingly and cordially perceived, that our offers have been ac-
ceptable both to his Royal Majesty, and likewise to your Grace. This
is the only Index to us, That the blessing of God is present with you, whereby a
spur is given, that we should so much the more chearfully and freely utter and
detect those things whereby the hazard of both your lives, the subversion of
the Realm and State both of England and Scotland, the tumbling down of
his most Excellent Majesty from his Throne is intended. Now lest the Discourse
should be enlarged with superfluous circumstances, we will only premise some
things which are meerly necessary to the business.

They may first of all know, that this good man, by whom the ensuing things
are detected, was born and bred in the Popish Religion, who spent many years
in Ecclesiastical Dignities. At length being found fit for the expedition of the
present design, by the Counsel and Mandate of the Lord Cardinal Barbarino,
he was adjoynd to the assistance of Master Cuneus (Cun) by whom he was
found so diligent and sedulous in his office, that hope of great promotion was
given to him; yet he, led by the instinct of the good Spirit, hath, howsoever
it be, contemned sweet promises, and having known the vanities of the Ponti-
fician Religion (of which he had sometimes been a most severe Defender)
having likewise noted the malice of those who fight under the Popish Banner,
felt his Conscience to be burthened; which burden that he might ease himself
of, he converted his mind to the Orthodox Religion. Soon after, that he might
exonerate his Conscience, he thought fit, that a desperate Treason machinated
against so many souls, was to be revealed, and that he should receive ease if he

A larger dis-
covery of the
Plot.

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vented such things into the bosom of a friend; which done, he was seriously admonished by the said friend, that he should shew an example of his Conversion and charity, and free so many innocent souls from imminent danger. To whose monitions he willingly consented, and delivered the following things to be put in writing, out of which the Articles not long since tendered to your Grace, may be clearly explicated and demonstrated.

1. First of all, That the hinge of the business may be rightly discerned, it is to be known, that all those factions with which all Christendom is at this day shaken, do arise from the Jesuitical off-spring of Cham, of which four Orders abound throughout the World.

1. Of the first order are Ecclesiasticks, whose office is to take care of things promoting Religion.

2. Of the second order are Politicians, whose office it is by any means to shake, trouble, reform the state of Kingdoms and Republicks.

3. Of the third Order are Seculars whose property it is to obtrude themselves into offices with Kings and Princes, to insinuate and immix themselves in Court businesses, Bargains and Sales, and to be busied in Civil affairs.

4. Of the fourth order are Intelligencers, (or spies) men of inferiour condition, who submit themselves to the services of great men, Princes, Barons, Noblemen, Citizens, to deceive (or corrupt) the minds of their Masters.

2. A Society of so many orders, the Kingdom of England nourisheth: for scarce all Spain, France and Italy can yield so great a multitude of Jesuites as London alone; where are found more than fifty Scottish Jesuites. There the said Society hath elected to it self a seat of iniquity, and hath conspired against the King, and the most faithful to the King, especially the Lord Archbishop of Canterbury, and likewise against both Kingdoms.

3. For it is more certain than certainty it self, that the fore-named Society hath detrmind to effect an universal Reformation of the Kingdom of England and Scotland. Therefore the determination of the end, necessarily infers a determination of means to the end.

4. Therefore to promote the undertaken Villany, the said Society dubbed it self with the title of, The Congregation of propagating the faith; which acknowledgeth the Pope of Rome the head of the Colledge, and Cardinal Barbarino his substitute and Executor.

5. The chief Patron of the Society at London, is the Popes Legat, who takes care of the business; into whose bosom these dregs of Traitors weekly deposite all their intelligences. Now the Residence of this Legation was obtained at London in the name of the Roman Pontife, by whose mediation it might be lawful for Cardinal Barbarino, to work so much the more easily and safely upon the King and Kingdom. For none else could so freely circumvent the King, as he who should be palliated with the Popes Authority.

6. Master Cuneus did at that time enjoy the Office of the Popes Legate, an universal instrument of the conjured Society, and a serious promoter of the business, whose secrets, as likewise those of all the other intelligencers, the present good man, the communicator of all these things, did receive and expedite whither the business required.

Cuneus set upon the chief men of the Kingdom, and left nothing unattempted, by what means he might corrupt them all, and incline them to the Pontifical party: he inticed many with various inticements, yea he sought to delude the King himself with gifts of Pictures, Antiquities, Idols, and of other vanities brought from Rome, which yet would prevail nothing with the King.

Having entred familiarity with the King he is often requested at Hampton-Court, likewise at London, to undertake the cause of the Palatine, and that he

he would interpose his Authority, and by his intercession persuade the Legat of Colen, that the Palatine in the next Diet to treat of Peace, might be inserted into the conditions, which verily he promised, but performed the contrary. He writ indeed, that he had been so desired by the King concerning such things, yet he advised not that they should be consented to, lest peradventure it might be said by the Spaniard, that the Pope of Rome had Patronized an Heretical Prince.

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In the mean time, Cuneus smelling from the Arch-Bishop most trusty to the King, that the Kings mind was wholly pendulous (or doubtful), resolved that he would move every stone, and apply his forces, that he might gain him to his party: Certainly confiding, that he had a means prepared, for he had a command to offer a Cardinals Cap to the Lord Arch-Bishop in the name of the Pope of Rome, and that he should allure him also with higher promises, that he might corrupt his sincere mind. Yet a fitting occasion was never given whereby he might insinuate himself into the Lord Arch-Bishop (for the Scorpion sought an Egg.) Free access was to be impetrated by the Earl and Countess of Arundel, likewise by Secretary Windebanke: The intercession of all which being neglected, he did fly the company or familiarity of Cuneus, worse than the Plague: He was likewise persuaded by others of no mean rank, well known to him, neither yet was he moved.

7. Another also was assayed who hindred access to the detestable wickedness, Secretary Cook, he was a most bitter hater of the Jesuites, from whom he intercepted access to the King; he entertained many (of them) according to their deserts, he diligently enquired into their factions; by which means every incitement breathing a magnetical (attractive) power to the Popish party, was ineffectual with him; for nothing was so dear unto him that might incline him to Wickedness: hereupon being made odious to the Patrons of the Conspiracy, he was endangered to be discharged from his office; it was laboured for three years space, and at last obtained. Yet notwithstanding there remained on the Kings part a knot hard to be untied, for the Lord Arch-Bishop by his constancy, interposed himself as a most hard Rock.

When Cuneus had understood from the Lord Arch-Bishops part, that he had laboured in vain, his malice and the whole Societies waxed boiling hot: soon after ambushes began to be prepared, wherewith the Lord Arch-Bishop together with the King should be taken.

Likewise a sentence is passed against the King (for whose sake all this business is disposed) because nothing is hoped from him, which might seem to promote the Popish Religion (but especially when he had opened his mind, that he was of this opinion, that every one might be saved in his own Religion, so as he be an honest pious man.)

8. To perpetrate the Treason undertaken, the Criminal execution * at Westminster caused by some writings of Puritans, gave occasion of the first fire; which thing was so much exasperated and exaggerated by the Papists to the Puritans, that if it remained unrevenged, it would be thought a blemish to their Religion, the flames of which fire, the subsequent Book † of Prayers encreases.

9. In this heat a certain Scottish Earl, called * Maxwel, if I mistake not was expedited to the Scots by the Popish party; with whom two other Scottish Earls, Papists, held correspondency: he ought to stir up the People to Commotion, and rub over the injury afresh, that he might enflame their minds, precipitate them to Arms by which the hurtful disturber of the Scottish liberty might be slain.

* When Prim, Bastwick and Burton had their ears cut off in the Pillory, and Prin stigmatized.

† The Common-Prayer Book sent into Scotland implying Transubstantiation in the Sacrament.

* Or Maxfield.

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10. There, by one labour, snares are prepared for the King: for this purpose the present business was so ordered, that very many of the English should adhere to the Scots; That the King should remain inferiour in Arms, who (thereupon) should be compelled to crave assistance from the Papists; which yet he should not obtain, unless he would condescend unto conditions, by which he should permit universal liberty of the exercise of the Popish Religion; for so the affairs of the Papists would succeed according to their desire. To which consent, if he should shew himself more difficult, there should be a present remedy at hand: For the Kings Son growing now very fast to his youthful age (who is educated from his tender age, that he might accustom himself to the Popish party) the King is to be dispatched; for an Indian Nut stuffed with most sharp poyson, is kept in the Society (which Cuneus at that time shewed often to me in a boasting manner) wherein a poyson was prepared for the King, after the example of his Father.

11. In this Scottish Commotion, the Marquess of Hamilton was often dispatched to the Scots in the name of the King, to interpose the Royal authority, whereby the heat of minds might be mitigated, returned notwithstanding as often without fruit, and without ending the business: His Chaplain at that time repaired to us, who communicated something secretly with Cuneus. Being demanded of me in jest, whether also the Jews agreed with the Samaritans, Cuneus thereunto answered, Would to God all Ministers were such as he: what you will may be hence conjectured.

12. Things standing thus, there arrived at London from Cardinal Richlieu, Mr. Tho. Chamberlaine, his Chaplain and Almoner, a Scot by Nation, who ought to assist the Colledge of the confederate Society, and seriously to set forward the business, to leave nothing unattempted, whereby the first heat might be exasperated. For which service he was promised the reward of a Bishoprick: He Cohabited with the Society four months space; neither was it lawful for him first to depart, until things succeeding according to his wish, he might be able to return back again with good news.

13. Sir Toby Matthew a Jesuited Priest, of the order of Politicians, a most vigilant man of the chief heads, to whom a bed was never so dear, that he would rest his head thereon, refreshing his body with sleep in a Chair for an hour or two, neither day nor night spared his machinations; a man principally noxious, and himself the plague of the King and Kingdom of England; a most impudent man, who flies to all Banquets, and Feasts, called or not called, never quiet, always in action, a perpetual motion; thrusting himself into all Conversations of Superiours; he urgeth Conferences familiarly, that he may fish out the minds of men; whatever he observeth thence, which may bring any commodity or discommodity to the part of the Conspirators, he communicates to the Popes Legat; the more secret things he himself writes to the Pope, or to Cardinal Barbarino. In sum, he adjoyns himself to any mans company, no word can be spoken that he will not lay hold on, and accommodate to his party. In the mean time, whatever he hath fished out, he reduceth into a Catalogue, and every Summer carrieth or conveyeth it to the general Consistory of the Jesuites politicks, which secretly meets together in the Province of Wales, where he is an acceptable guest. There Counsels are secretly hammered which are most meet for the convulsion of the Ecclesiastick and politick estate of both Kingdoms.

14. Captain Read a Scot, dwelling in Long-acre-street, near the Angel Tavern, a Secular Jesuite; in his house the business of the whole Plot is concluded, where the Society which hath conspired against the King, the Lord Archbishop and both Kingdoms meet together, for the most part every day: but on the

the day of the Carriers (or Posts) dispatch, which is ordinarily Friday, they meet in greater numbers; for then all the Intelligencers assemble and confer in common, what things every of them hath fished out that week; who that they may be without suspicion, send their secrets by Toby Matthew or Read himself, to the Popes Legate, he transmits the compacted packet which he hath purchased from the Intelligencers to Rome.

With the same Read, the Letters brought from Rome are deposited under feigned Titles and Names, who by him are delivered to all to whom they appertain, for all and every of their Names are known to him.

Upon the very same occasion Letters are brought hither under the Covert of Father Philips; (he notwithstanding being ignorant of things) from whom they are distributed to the Conspirators.

There is in that very house a publick Chapel, wherein an ordinary Jesuite Consecrates, and dwells there. In the said Chapel Masses are daily Celebrated by the Jesuites; and it serves for the Baptizing of the Children of the house, and of some of the Conspirators.

Those who assemble in the forenamed house, come frequently in Coaches or on Horse-back in Lay-mens habits, and with a great Train, wherewith they are disguised, that they may not be known, yet they are Jesuites, and conjured members of the Society.

15. All the Papists of England contribute to this Assembly, lest any thing should be wanting to promote the undertaken designs, upon whose Treasury one Widow, owner of the houses wherein Secretary Windebanke now dwelleth, dead above three years since, bestowed Forty thousand English Pounds, so likewise others contribute above their abilities, so as the business may be promoted to its desired end.

16. Besides the foresaid Houses, there are Convents kept also in other more secret places, of which verily they confide not even among themselves, for fear lest they should be discovered. First, every of them are called to certain Inns, (one not knowing of the other); hence they are severally led by spies to the place where they ought to meet, otherwise ignorant where they ought to assemble, lest peradventure they should be surprized at unawares.

17. The Countess of Arundel, a strenuous She-Champion of the Popish Religion, bends all her Nerves to the Universal Reformation; whatsoever she hears at the Kings Court that is done secretly or openly in words or deeds, she presently imparts to the Popes Legat, with whom she meets thrice a day, sometimes in Arundel House, now at the Court, or at Tart-Hall. He scarce sucks such things by the Claw.

See more of this large Discovery in the Histories of Mr. L'Estrange and Mr. Sanderson.

The Conclusion of the whole Discovery endeth in these words;

THese things being thus ordered, if everything be laid to the ballance, it will satisfie in special all the Articles propounded; wherein,

1. The Conspiracy against the King and Lord Arch-Bishop is detected, and the means whereby ruine is threatned to both demonstrated.

2. The Imminent dangers to both Kingdoms are rehearsed.

3. The Rise and Progress of that Scottish Fire is related.

4. Means whereby these Scottish troubles may be appeased are suggested; for after the Scots shall know by whom and to what end their minds are incensed, they will speedily look to themselves, neither will they suffer the Forces of both parts to be subdued, lest a middle Party interpose, which seeks the Ruine of both.

5. With

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5. *With what Sword the Kings Throat is assaulted, even when these stirs shall be ended, Cuneus his Confession, and a visible Demonstration sheweth.*

6. *The Place of the Assembly in the House of Captain Read is nominated.*

7. *The day of the eight days dispatch by Read and the Legat is prescribed.*

8. *How the names of the Conspirators may be known.*

9. *Where this whole Congregation may be circumvented.*

10. *Some of the principal unfaithful ones of the Kings Party are notified by name; many of whose names occur not, yet their habitations are known, their names may be easily extorted from Read.*

If these be warily proceeded in, the strength of the whole business will be brought to light, so the Arrow being foreseen, the danger shall be avoided; Which that it may prosperously succeed, the Omnipotent Creator grant.

The Arch-Bishops Indorsement with his own hand,

Received Octob. 14. 1640. The Narration of the great Treason, concerning which the Discoverer promisseth to Sir William Boswell to discover, which is against the King and State.

Novemb. 3.

The long expected day for the meeting of the Parliament was now come, a day which produced so long a Parliament as former ages never knew, and it is to be hoped those to come never will know such another. It was assembled to redress the grievances of the Subjects, to compose the differences between the two Nations of *England* and *Scotland* and prevent a War, to reform Religion, to ease the People of the illegal Pressures and Exactions by Projects Monopolies and Shipmoney, and to do all those great and glorious things which are in the Power of a Parliament towards the Establishment of Religion, Liberty and Peace wherein consists the mutual happiness of the Prince and People: But to the disappointment of good and sober men, and the astonishment of the whole world, the Fermenting Party, who all along even from the beginning of the glorious reformation of Religion had given such disturbances to the Reigns of *Queen Elisabeth*, *King James*, and his Son and Successor *King Charles*, was now grown so strong both in the House of Commons and of Peers, that all the expectations of future Happiness, were not only defeated, but these three flourishing Kingdoms were rent asunder by the most miserable Distractions, and almost intirely Ruined by the deplorable effects of a most horrid Rebellion. For such was the wickedness of some discontented ambitious and boyling Spirits, that having as before hath been shewn, in a great measure animated and fomented the Northern Rebellion, they followed their example, and while they pretended to meet to remove a War from us, they brought one into our own Bowels, while they talked of Reformation, and by the pretence of Religion misled the credulous, and with the most impious Hypocrisie abused God and man, they pulled down the Foundations of the best built and most Primitive and Apostolical Church in the whole Christian World, and let in a Deluge of Errors, Sects, Schisms and Heresies, thereby giving such a wound to the Reputation of the reformed Religion, to the Peace and happy settlement of both Church and State, as must be the work of time to cure: the People expected Liberty, but were so far from enjoying it, that their hopes were only like a pleasant Dream, and when they came to be thoroughly awake they found themselves in Chains. The Nation was big to be delivered from the Pressures of those then ex-

claimed

claimed against illegal and arbitrary Impositions, but, they found *Rehobo-*
am's harsh Counsel practised upon them and the little finger impositions
turned into Loins, the Rods into Scorpions, and were obliged to bear such
heavy arbitrary and illegal Taxations as neither they nor their Ancestors
ever knew since the obtaining of the *Magna Charta*, as I doubt not from
their own most authentick *Memoirs* to make appear in the sequel of this
Historical Account.

That I may avoid unnecessary Repetitions, having before given a full
Account of the Ceremony of opening a Parliament in the description of
the last, I shall only give a short account of it.

Upon this fatal Third of *November* 1640. His most august Majesty
King *Charles* the first being arrayed in his Royal Robes ascended the
Throne of State in the House of Lords; the Prince *Charles* sitting on his
left hand had his Crown held by him; on the right hand of his Majesty
stood the Lord High Chamberlain of *England*, and the Earl of *Essex* bear-
ing the Cap of Estate; the E. Marshal, and the E. of *Bath* bearing the
Sword; on the left hand of his Majesty *Clarenceux* in the absence of
Garter Principal King at Arms, and the Gentleman of the black Rod stood
by the Earl Marshal.

The Earl of *Cork*, Viscount *Wilmot*, the Lord *Newberry*; and the
Master of the Rolls, called by Writ as Assistants, sat on the inside of the
Wool-sacks, as also the two Lords chief Justices of the Kings-Bench and
Common-Pleas, the Lord chief Baron of his Majesties Exchequer, and
the rest of his Majesties Judges under them. On the out East-side of the
Wool-sacks sat four Masters of Chancery; On the out West-side sat the
Kings two ancient Serjeants, his Majesties Attorney General, and three of
the puisny Serjeants beneath them.

The Lords Spiritual and Temporal which were present, being all habited
in their proper Robes, and seated in the accustomed places belonging to
their Peerage, and the House of Commons according to his Majesties
Command by the Gentleman Usher of the Black Rod appearing at the
Bar of the Lords house uncovered, his Majesty spake to the Lords as
followeth:

My Lords,

THE knowledge I had of the desires of my *Scotish* Subjects, was the
cause of my calling the last Assembly of Parliament, wherein had
I been believed; I sincerely think, that things had not fallen out as now
we see: But it is no wonder that men are so slow to believe that so great
a sedition should be raised on so little ground. But now my Lords, and
Gentlemen, the honour and safety of this Kingdom lying so nearly at
the Stake; I am resolved to put my self freely and clearly on the love and
affections of my *English* Subjects, as these of my Lords that did wait on
me at *Tork*, very well remember I there declared. Therefore my Lords,
I shall not mention mine own Interest, or that support I might justly ex-
pect from you, till the common safety be secured; though I must tell you
I am not ashamed to say, those charges I have been at, have been merely
for the securing and good of this Kingdom, though the success hath not
been answerable to my desires. Therefore I shall only desire you to con-
sider the best way both for the safety and security of this Kingdom,
wherein there are two parts chiefly considerable. First, the chastising out
of the Rebels. And secondly, that other, in satisfying your just grievan-

The manner
of opening
the Parlia-
ment Nov. 3.
1640.

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ces, wherein I shall promise you to concur so heartily and clearly with you, that all the World may see my intentions have ever been and shall be, to make this a glorious and flourishing Kingdom. There are only two things that I shall mention to you; First, the one is to tell you that the Loan of Money which I lately had from the City of *London*, wherein the Lords that waited on me at *York* assisted me, will only maintain my Army for two months from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your considerations, what dishonour and mischief it might be, in case for want of Money my Army be disbanded, before the Rebels be put out of this Kingdom. Secondly, the securing the calamities the Northern People endure at this time, and so long as the Treaty is on foot. And in this I may say not only they; but all this Kingdom will suffer the harm; therefore I leave this also to your consideration, for the ordering of these great affairs whereof you are to Treat at this time. I am so confident of your love to me, and that your care is for the honour and safety of the Kingdom, that I shall freely and willingly leave to you where to begin: only this, that you may the better know the state of all the affairs. I have commanded my Lord Keeper to give you a short and free accompt of these things that have happened in this Interim, with this Protestation, that if this accompt be not satisfactory as it ought to be; I shall whensoever you desire, give you a full and perfect accompt of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament; That you on your Parts, as I on Mine, lay aside all suspicion one of another, as I promised my Lords at *York*; It shall not be my fault if this be not a happy and good Parliament.

After which *John Lord Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, by his Majesties Command spake to both Houses to this effect:

*My Lords,*

AND you the Knights, Citizens, and Burgeses of the House of Commons, you have been summoned by his Majesties Gracious Writ, under the Great Seal of *England*, and you are here this day Assembled for the holding of a Parliament. The Writ tells you 'tis to treat and consult of the High, Great, and weighty Affairs, that concern the estate and safety of the Kingdom. It tells you true, that since the Conquest, never was there a time that did more require, and pray for the best advice and affection of the *English* People. It is ill viewing of objects, by viewing them in a multiplying Glass, and it is almost as mischievous in the speech of such a broken Glass, which represents but to the half. The only and the perfect way is to look in a true Mirror. I will not take upon me to be a good looker in it, I will only hold it to you to make use of it.

The Kingdom of *England* is this multiplying Glass, you may there see a state which hath flourished for divers hundred years, famous for time of Peace and War, glorious at home, and ever considerable abroad. A Nation to whom never yet any Conqueror gave new Laws, nor abolished the old, nor would this Nation ever suffer a Conqueror to meddle with their Laws, no not the *Romans*, who yet when as they subdued all the People, made it part of the Conquest to leave their Laws in Triumph

with



‘with them. For the Saxons, Danes, and the Normans, if this were a  
‘time to travel into such particulars, it were an easie task to make it appear,  
‘that they never changed the old established Laws of *England*, nor ever  
‘brought in any new, so as you have the frame and constitution of a Com-  
‘mon-wealth, made glorious by Antiquity. And it is with States, as with  
‘persons and families, certainly an uninterrupted Pedigree doth give lustre.  
‘It is glorious in the whole frame, worth your looking upon, long and your  
‘consideration in every part.

‘The King is the head of the Common-wealth, the Fountain of Justice,  
‘the life of the Law, He is *anima & delicia legis*.

‘Behold him in the happy times, that we have so long lived, under  
‘his Monarchial government.

‘For his excellent Majesty, that now is our most Gracious Sovereign;  
‘you had need wipe the Glass, and wipe your eyes, and then you shall  
‘truly behold him a King of exemplary Piety, and Justice, of rare endow-  
‘ments, and abilities of nature; and what he hath got by acquisition, depth  
‘of judgment, quickness of apprehension, unparallel’d moderation in great  
‘Counsels, and great affairs, such as you my Lords that had the happiness to  
‘attend him at the Council of the Peers at *York*, to your great joy and com-  
‘fort can witness, and after ages will remember, to his eternal honour and  
‘fame.

‘For his just and pious Government, I dare boldly say that if any under  
‘him as an Instrument, have had the distributing of justice to his People,  
‘have not done as they ought, the fault is their own, and they have done  
‘contrary to the Royal Nature, and express Command of our Gracious  
‘Sovereign, from whom I have often learned this golden Rule, and Maxim,  
‘he serves me best, that serves me with honesty and integrity.

‘Behold him in another part of himself, in his dearest comfort, our  
‘Gracious Queen, the mirror of Vertue, from whom since her happy arri-  
‘val here, now above three lustres of years, never any Subject received  
‘other than gracious and benign Influence; and I dare avow as she is  
‘nearest and dearest to our Sovereign, so there is none whose affections  
‘and endeavours (his Majesty only excepted) hath, or doth, or can coo-  
‘perate more to the happy success of this Parliament, and the never to be  
‘equalled joy, and comfort of a right understanding between the King, and  
‘his People.

‘Behold him in his best Image, our excellent young Prince, and the rest  
‘of the Royal, and lively Progeny in whom we cannot but promise to our  
‘selves, to have our happiness perpetuated.

‘From the Throne turn your eyes upon the two supporters of it, on  
‘the one side, the Stem of Honour, the Nobility, and Clergy, on the  
‘other side, the Gentry and Commons.

‘Where was there, or is there in any part of the World a Nobility so  
‘numerous, so magnanimous, and yet with such a temper, that they nei-  
‘ther eclipse the Throne, nor overtop the People, but keep in a distance fit  
‘for the greatness of the Throne.

‘Where was there a Common-wealth so free, and the ballance so equally  
‘held, as here? And certainly, so long as the beam is so held, it cannot be  
‘otherwise, in right *Angles*, if you turn the line never so little, it grow-  
‘eth quickly acute, or obtuse; and so in States, the least deviation makes  
‘a great change. But his Majesties great wisdom and goodness, and the  
‘assistance of this Honourable Assembly, I do not doubt will be a means to  
‘make us steer between the Tropiks of moderation, that there be no de-  
‘clension from the pole of Security.



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'I am by his Majesties Command, to relate to you some proceedings since the last Assembly here.

'You may remember the Summer preceeding this last, his Majesty with an Army into the North, ingaged in honour so to do, by reason of the courses that were taken by divers of the Subjects in *Scotland*, in the prejudice of Monarchy, and rendring less glorious this Kingdom. I know not under what pretence, but all that time they came very near *England*, with an Army so near that it was believed, they would have then entred and invaded the Kingdom. They did profess the contrary, neither did they want Remonstrations, and Declarations, to infuse this opinion into the hearts of his Majesties People, before it would by the effects, what their intentions from the beginning were. His Majesty by his goodness and wisdom, settled a Peace, and made a Pacification at *Barwick*, upon which both Armies were disbanded, which pacification, and every Article of it, his Majesty for his part hath been so far from violating, that whenever any question shall be made of it, shall plainly and clearly appear, it was his care to see it in all things performed. On the contrary, those Subjects of his not contented with that grace, which his Majesty then gave them in those Articles of pacification, they have strained them beyond the bounds and limits of the intention, and meaning; but they over and above attempted, and acted divers things so prejudicial to Monarchy, and contrary, and repugnant to the Law, and settled Constitution, and usage of that Kingdom, that his Majesty could not in honour connive at it.

'This being made known unto his Majesty, and to his Privy Council, by those who best knew the State, and affairs of that Kingdom, and that were most trusted and imployed by his Majesty. His Majesty by the unanimous consent of his Privy Council, resolved to raise an Army to reduce them, to their modest and just condition of true obedience, and subjection, to defend this Kingdom from all damage and danger, that by their means (how speciously soever they shadow their pretences) they might fall upon it.

'His Majesty then foresaw, and foretold, that though the raising of an Army at this time, was but to stand upon their own defence, as they professed, yet they had an intention to enter this Kingdom, and to seize upon some place of Importance, and Eminency, and his Majesty in particular named *Newcastle*.

'Had his Majesty then had means and money, aswell as he had certain knowledge of their Intentions, I do believe that these Calamities, that have fallen upon that Town, and the Counties adjoyning, had been prevented. - Perhaps the misinterpretation of his Majesties intentions, and the misunderstanding of his actions, and I am afraid, the too benign interpretation of the attempts, actions, and professions of the Subjects in *Scotland*, added some impediment to that which the most of us, I hope have lived to repent of.

'His Majesty howsoever went in Person to the North, to see his Army ordered, and to take care for the safety, and defence of this Kingdom, asmuch as he possible could; He had not long been there, but that which he foresaw, and foretold, fell out; for the *Scots* passed with their Army, the Rivers, *Twede* and *Tine*, and seized upon *Newcastle*, (which) of what Importance it is you all know: And then they force contribution of the Counties of *Northumberland*, and the Bishoprick of *Durham*, besides many other spoils, and destructions, that were committed.

'His



‘His Majesty well confidering, of what weight, and importance this was, and then having neither time nor place to call this assembly of Parliament. He did resolve as had been frequently used, to summon a great Council of all the Peers, that by their advice and assistance, there might be some interruption given to the calamity, that was likely to spread over the whole Kingdom, and commanded Writs to issue accordingly.

‘That was not done to prevent, but to prepare for a Parliament.

‘It was not to clash, or interfere with this Assembly, by acting or ordering any thing which belongeth to this high and supream jurisdiction, but only to give their assistance for the present, to render things more fit for this great Assembly;

‘That his Majesties intention was so, it is clear, for before ever any Petition was delivered, or ever any speech of Petition for a Parliament, his Majesty had resolved to call one.

‘The Lords understood it so as will plainly appear by the proceedings of the Assembly, of which, if those that were Officers, and Ministers there had been come to Town, upon whose help I rested, for my particular instruction, I should have been better able to have given you an account: And his Majesty was pleased to let you know, that when there was an occasion of any particular, you may be satisfied in it. According to his Majesties command 24<sup>th</sup> of September, all the Peers were summoned, all except some few did meet: where his Majesty was in the first place pleased to declare unto us his Resolution to call a Parliament, and to all our joys and contents, as he hath now done it to yours and ours, declared that there was nothing he did more desire than to be rightly understood of his People; And whosoever he be that shall go about (effect it, I am sure he cannot) to attempt or endeavour to alter this gracious Declaration, and Resolution of his Majesty, or whosoever shall go about to poison the hearts of his good Subjects, with an opinion that it cannot be so, or lessen the affection of his loving Subjects, (for certainly never Subjects of the world better loved their King than the *English*, nor ever did *English*-men better love a King than now) if (I say) there be any such, may a curse and punishment fall upon them, But let the Royal Throne be established for ever.

‘His Majesty was then pleased to tell us the cause, for which he had called us together.

‘In the first place, it was touching an answer to a Petition, that had been since his coming to *York*, And before his Assembling the Lords sent unto him from those his Subjects of *Scotland*, that were at *Newcastle*.

‘The first thing that his Majesty desired their advice in, was the answer to that Petition.

‘The next thing his Majesty conceived, And all that were there, were of one opinion, with one voice, and consent, that it was not fit his Majesty should disband his Army, so long as the *Scotch* Army was on foot; And his Majesty wished them to take into their consideration what way to have maintenance, for his Army in the mean time.

‘His Majesty having opened the cause of calling them together, was pleased to express himself that he would leave to the Lords, their freedom of Debate, and himself was ready to have been gone from the Council, but at the humble suit of the Lords he stayed, And I am persuaded that nothing was of that joy to them, as his Majesties presence, with such freedom of Discourse did every man deliver himself, with such grace and sweetness did his Majesty hear them, and such content did they take

‘in



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in his Moderating, guiding and directing those Councils: My Lords as holding it most necessary, took the latter of those two considerations propounded by his Majesty, to their thoughts, and that was the supplying and supporting his Majesties Army, till this Parliament might take some course in it: his Majesty, and my Lords, did declare themselves as before I have opened unto you, that they could never attempt, nor have the least thought to make, by any Act or Order, any thing tending to the Subject, but that it might be left wholly to the Supream Jurisdiction. And therefore not seeing any other way, they resolved by Letter to address themselves to the City of *London*, and with their Letters they sent half a dozen of my Lords.

My Lord Privy Seal, my Lord of *Clare*, who was appointed to go, but his urgent occasions prevented him, Viscount *Cambden*, Lord *Coventry*, Lord *Goring* and And these Lords they did express the joy and content they took in the Kings grace and confidence they had of his gracious assistance, was such, that they did freely offer themselves, and as I dare say there is none but is yet ready to enter into security with his Majesty. And the City gave an Answer fit for the Chamber of the King, and part of the money is already lent, and will be ready, I assure my self to supply the rest.

For the other part, the first thing propounded by his Majesty, was touching the Answer that was to be given to that Petition, and to the demands of the Subjects in *Scotland*, upon which occasion his Majesty was pleased, by those great Officers and Ministers of his, that knew best, and understood the Laws and Usages of that Kingdom, to expound their demands particularly, and to make appear unto their Lordships upon every one, wherein they had exceeded the Articles of Pacification, which his Majesty ever desired might be the Square, and Rule of the Treaty with them.

My Lords took into consideration what was fit to be done, for his Majesty then professed as he did oft, and as he hath done it during the time of that Council, to be wholly ruled, guided, and directed by their advice, for the honour of this Nation, and safety of it, he did leave it to their wisdoms and considerations; against whose Advice, and without whose Judgments and Advice, he would do nothing.

My Lords, howsoever they had received this information, and explanation upon every particular of their demands, yet in justice they thought it was fit to hear what could be said, on the other side, how the objection might be Answered, and what objection might be made by them against that which seemed to be plain enough.

For this purpose they were all of opinion, and his Majesty was pleased to be of the same opinion, that some Lords selected and trusted by that great Council, should Treat with those Subjects of *Scotland* upon all those particulars, to the end that they might see what they did clearly intend; to the end that a firm Peace, which was most desired from us, might be had, or a just War to be begun. My Lords of the great Council that were appointed for that purpose, were the Earls of *Bedford*, *Hertford*, *Essex*, *Salisbury*, *Warwick*, *Bristol*, *Holland*, and *Barkshire*, The Barons were the Lords, *Wharton*, *Paget*, *Rimbolton*, *Brook*, *Pawlet*, *Howard of Escrick*, *Savile*, and *Dunsmore*.

After which choice, some general Instructions proceeding from the debate and discourses in that great Council, a Commission under the Great Seal was given unto them, to Enable them to Treat and



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and conclude as they in their wisdoms and judgments should think fit. The place appointed for this Treaty was at *Rippon*, where the Lords Commissioners wanted the happiness of that, that they, and we had at *Tork*, of his Majesties presence. And that might be the occasion that more time was spent in it, than otherwise would have been; yet my Lords omitted not their parts, but were desirous to look into the depth, to see the utmost extent of their demands.

But before those of *Scotland* could come to the main Treaty, to explain themselves touching their demands, they made a preparatory demand of maintenance for their Army, and did go so high, as to demand Forty thousand pounds a month. My Lords (that were very unwilling to do any Act, or make any order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping a foot his Majesties Army without this great Assembly, which yet they all held fit should not be disbanded) were much startled at the demand of maintenance for an Army that was not the Kings, and which they did wish could not continue.

But my Lords, as under that name they could not hear it, yet they took into consideration the miserable condition of *Northumberland*, the Bishoprick of *Durham* and *Newcastle*; They took into consideration too, the Counties of *Cumberland* and *Westmerland*, which if the *Scotish* Army should enter, were scarce able at this time to defend themselves, and it were inconvenient to bring the Kings Army thither.

Nay, their Lordships were satisfied that the County of *Tork* was in danger, and that not to be prevented but by a Battel, if the *Scots* came on with an Army, and my Lords were loath, where there were such odds, that a Battel should be adventured. And if the County of *Tork* should be in danger, we might quickly foresee how the danger might run over the whole Kingdom.

And my Lords, as well as those that remained at *Tork*, as those at *Rippon*, having received complaints from the Bishop of *Durham* (*Northumberland* and *Newcastle*) and the Mayor of *Newcastle* being imprisoned, and some of his Brethren, as was represented unto them, kept without fire or candle, and of divers waists and spoils done in the Countrey. My Lords did think fit, that since the Counties of *Northumberland*, the Bishoprick of *Durham*, and *Newcastle* had already made a composition and agreement, that they would at last ratifie and confirm the composition and agreement, so as there might be a cessation of Arms, and acts of hostility; and that they which had fled from their dwellings in those Counties might return in safety. My Lords for these reasons thought it fit for the present to give way unto them, rather than to hazard so great calamity and affliction that would have fallen on those Counties; hereupon they did conclude for 850 l. by day, and this to continue for two months, if the Treaty before took not effect, the two months to begin from the 16th of *October*; then they took Articles for cessation of Arms. So as now the state and condition of things as they were acted, I have shortly and summarily delivered to you. I dare not adventure upon too many particulars, least my memory should fail; and if I have not done his Majesties command, I beg his Majesties pardon.

And my Lords, of what weight and importance this is to the whole Kingdom, what deep consideration it requires in our affections; what unsuspected affections had we need bring with us, is easie to judge.

It is his Majesties pleasure that you of the House of Commons, repair to your own House to chuse your Speaker, whom his Majesty expects you



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you will present to him on Thursday next, at two of the Clock in the afternoon.

The Speeches being Ended, and the Commons returned to their House, the Clerk of the Lords House read the Names of the Receavours and Triours of Petitions in *French* as followeth.

*Les Receavours des Peticions d'Angleterre, d'Escocce, & d'Ireland.*

Messieur Jean Brampton, Chevalier & Chief Justice.

Messieur W. Jones, Chevalier & Justicier.

Messieur George Crook, Chevalier & Justicier.

Messieur Rob. Rich, Chevalier.

Messieur Edw. Salter, Chevalier.

Et ceux qui veulent deliver leur Peticions, eux baillent dans six jours prochainement ensuent.

*Les Receavours des Peticions de Gascoigns, & des autres Terres & Pais de par le Mer, & des Isles.*

Messieur Edw. Littleton, Chevalier & Chief Justice Banc. Com.

Messieur Humphrey Davenport, Chevalier & Chief Baron del Exchequer le Roy.

Messieur Rob. Barkley, Chevalier & Justicier.

Messieur Jean Page, Armiger.

Et ceux qui veulent deliver leur Petitions, eux baillent dans six jours prochainement ensuent.

*Les Triours des Peticions d'Angleterre, d'Escote, & d'Ireland.*

L' Evesque de London, Grand Tresorier.

Le Count de Manchester, Gardein del Privie Seal.

Le Count de Lyndsey, Grand Chamberlain d' Angleterre.

Le Count d' Arundel & Surry, Grand Marescal.

Le Count de Northumberlein, Grand Admiral d' Angleterre.

Le Count de Rutland.

Le Count de Huntington.

Le Count de Bathon.

Le Count de Bedford.

Le Evesque de Winchester.

Le Evesque de Bathon & Wells.

Le Evesque de Bristol.

Tout ceux ensembles, ou quatre des Prelats & Seigneurs ditz appellants as eux les Sergeans le Roy, quant serra besoign tiendront leur place en le Chambre de Tresorier.

*Les Triours des Peticions de Gascoign, & des autres Terres & Pais de par le Mer & des Isles.*

Le Count de Pembroc & Montgomery, Chamberlain del Hostel le Roy.

Le Count de Essex.

Le Count de Dorset.

Le Count de Warwick.



*Le Couut de Sarum.*

*Le Count de Bridgwater.*

*Le Count de Northampton.*

*Le Count de Bristol.*

*Le Count de Holland.*

*Le Viscount Say & Seal.*

*Le Evesque de Chester.*

*Le Evesque de Coventry & Litchfield.*

*Le Evesque de Exon.*

*Le Baron Clifford.*

*Le Baron Strange.*

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*Tout ceux ensamble ou quatre des Prelats & Seigneurs avant ditz appellant as eux les Sergeants le Roy, & ainsi soit le Attorney le Roy quant serra besoign, tiendront leur place in le Chambre de Chamberlein.*

The Commons being returned to their House chose for their Speaker *William Lenthal*, Esq; and upon the fifth day of *November*, being the Anniversary day for commemoration of the Deliverance of the King and Parliament from the horrid Popish Conspiracy of the Gunpowder-Treason, he was presented to his Majesty for his approbation, where according to the Custom he made the following Speech, professing his own disability for a Station and Service so Eminent and difficult, desiring his Majesty to interpose his Royal Authority to Command a review of the House, in order to a new Choice. Take his own words.

Most Gracious and Dread Sovereign,

**I***N all submissive humbleness, the Knights, Citizens, and Burgeses of the House of Commons are here assembled, who taking along with them your gracious inclination, have according to their ancient liberties designed me their Speaker.*

The Speakers Speech.

*Whereas I cannot but lament to think how great a mist may overcast the hopes of this Sessions, yet is it a note of favour to me, who cannot but judge my self unfit for so great employment, which so appears to the whole World.*

*Many there be of deep judgement, and sad experience, that might have added lustre to this action and expedition to the work, if they had pleased to have left me in that mean condition they found me.*

Non mihi tacuisse nocet, \* Nocet esse locutum.

\* To the King it proved too true.

*And then might your Sacred and Pious Intentions have had their full advancement.*

*But is it yet too late? may I not appeal to Cæsar? Yes, I may, and in the lowest posture of humility I humbly beseech your sacred Majesty to interpose your Royal Authority to command a review of the house, for there were never more than now fitted for such Employments.*

Then my Lord Keeper by his Majesties direction, approved of him and the Commons Choice. Upon which he proceeded thus.



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*It pleaseth not your Sacred Majesty to vouchsafe a Change. Actions of Kings are not to be by me reasoned.*

*Therefore being imboldened by this gracious approbation, give me leave a little, Dread Sovereign, to express my own thoughts unto our Gracious Lord the King.*

*I see before my Eyes with admiration the Majesty of Great Britain, the Glory of times, The History of Honour, CHARLES the First, in his forefront placed by descent of Antiquity (Kings) settled by a long succession, and continued to us by a Pious and Peaceful Government.*

*On the one side the Monument of Glory, the Progeny of valiant and puissant Princes, the Queens most Excellent Majesty.*

*On the other side, the hopes of posterity, and joy of this Nation, those Olive Branches set round your Tables, Emblems of Peace to Posterity.*

*Here shine those Lights and Lamps placed in a Mount, which attend your Sacred Majesty as Supream Head, and borrow from you the Splendor of their Government.*

*There the true state of Nobility, Figures of Prowess and Magnanimity, fitted by their long contracted honour in their blood, for the Counsel of Princes.*

*In the midst of those the Reverend Judges, whither both parties (as to the Oracles of Judgment and Justice) may resort, Cisterns that hold fair waters, wherein each deviation, each wrinkle is discernable, and from thence (as from the Center) each crooked line ought to be levelled; The footstool of your Throne is fixed there, which renders you glorious to all posterity.*

*Here we the Knights, Citizens and Burgeses of the Commons House, at your royal feet, contracted from all parts of your Kingdom, Ensigns of Obedience and humility, all these united by the Law equally distributed, which cements this great Body to the obedience of your Sacred Majesty.*

*And compels as well the hearts as the hands to contribute for the preservation of your Majesty, and the Common Interest.*

*Dissipates the Invaders of the Church and Common-Wealth, and discovers the Impostures, but (give me leave dread Sovereign) knits the Crown to the Sacred Temples, and frees Majesty from the Interpretation of misdoing.*

*Amongst these this great Council is most Sovereign against the distempers of this Nation.*

*Were they infested at Sea, troubled at home, or invaded from abroad, here was the Sanctuary of Refuge, hither was the resort, and no other way found for a foundation of Peace.*

*It is reported of Constantine the Great, that he accompted his Subjects Purse his Exchequer, and so it is. Subtile Inventions may pick the purse, but nothing can open it but a Parliament; which lets in the Eye of Sovereignty upon the publick maladies of the State, and vigilancy for the preservation of our Ancient Liberties; for this we need not search into Antiquity; look but a little back, there we shall see our just Liberties graciously confirmed by your most Sacred Majesty.*

*And is our happiness shut up in the remembrance of times past only? No. Those gracious Expressions lately fallen from your Sacred Lips, as honey from thecombe, make glad the hearts of your People.*

*So that now we do more than promise to our selves a large and free consideration of the ways to compose the distempers of these Kingdoms, and then present them to your royal hand for perfection.*

*And such shall be our deportment, that as we shall labour the continuance of our Liberties, so shall we carry a high regard to preserve that Sovereign Power wherewith your Majesty is invested for the preservation of your Kingdom,*  
and



and to render your Sacred Majesty terrible to the Nations, and glorious at home.

Are these the fruits we have enjoyed by Parliaments? we cannot then but wonder at that horrid invention in this place projected, *Monstrum horrendum, informe ingens, but, the Lord be thanked, Cui lumen ademptum est.* Can this receive a Palliation? Men, Fathers, and Brethren, and all at one blast; no reverence to Sacred Bones of Princes? were we not all in a lump by them intended to be offered up to Moloch.

Let us never forget this Days Solemnization (But whither?) It is too much boldness to presume longer on your Majesties Grace and Goodness; and therefore for the better Expedition of this Service, We humbly desire:

First, That our Selves and Servants may obtain Freedom from Arrests of their Persons and Goods.

Secondly, That we may have free Liberty of Speech without Confinement, with a full and free debate.

Thirdly, That your Majesty will vouchsafe our repair to your Sacred Person upon matters of importance, according to the ancient Priviledges of the House.

That with such alacrity we may now proceed to manifest to the World, that our retirements were to reinforce a greater Unity and Duty, and to endeavour a Sweet Violence which may compel (Pardon Dread Sovereign the word compel) your Majesty to the Love of Parliaments.

And thus God will have the Honour, your Sacred Majesty the Splendor, the Kingdom Safety, and all our Votes shall pass that your Sacred Majesty may long, long, long, Reign over us. And let all the People say, Amen.

The Members all that were present being sworn, upon Saturday the Seventh of November, the House entred upon Business; and after the Reading of a Bill *pro forma*, the Great Grievances of the Nation were by several of the Leading Members of the House, in studied Orations, set forth and display'd with all the Art their Eloquence could invent, not without very warm Reflections upon his Majesty for Mal-Administration of the Government, and among the rest Sir John Clotworthy of Devon, who upon his Election to serve in this Parliament, was come over from Ireland, spoke largely of great abuses in the Government there, and though he was sparing in the naming the Lord Deputy *Strafford*, yet he was so plain and home upon some of his Actions, as not to leave it disputable against whom the point of his Arrow was designed.

Mr. Speaker,

WE are here Assembled to do Gods business and the Kings, in which our own is included, as we are Christians, as we are Subjects. Let us first fear God, then shall we honour the King the more: for I am afraid we have been the less prosperous in Parliaments, because we have preferred other matters before him. Let Religion be our *Primum Querite*, for all things else, are but *Et cetera's* to it; yet we may have them too, sooner and surer, if we give God his precedence.

We well know what disturbance hath been brought upon the Church, for vain petty trifles. How the whole Church, the whole Kingdom hath been troubled, where to place a Metaphor, an Altar. We have seen Ministers, their Wives, Children, and Families undone, against Law, against Conscience, against all Bowels of Compassion, about not dancing upon Sundays. What do these sort of men think will become of themselves, when the Master of the house shall come, and find them thus beating their fellow servants? These Inventions were but Sives made of purpose to winnow the best men, and that's the Devils occupation. They have a mind to worry preaching, for I

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Speaking of  
the 5th of  
November.

Saturday,  
Nov. 7.

Sir Benjamin  
Rudyard's  
Speech,  
Nov. 7. 1640.



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† These malicious suggestions of the Papists, made use of to ruin that Church, which is certainly the most opposite to Popery in the whole Christian world.

\* A maxim which proved prophetically true, though beyond the intention of the Speaker, and may be of good use to posterity.

† A good motion, but ill observed.

never yet heard of any, but diligent Preachers that were vext with these and the like devices. They despise prophetic, and as one said, *They would fain be at something were like the Mass, that will not bite. A muzzl'd Religion.* They would evaporate and dispirit the power and vigour of Religion, by drawing it out into solemn, specious formalities, into obsolete, antiquated Ceremonies, new furbish'd up. And this (belike) is the good work in hand, which Dr. Heylin hath so often celebrated in his bold Pamphlets. All their Acts, and actions are so full of mixtures, involutions and complications, as nothing is clear, nothing sincere in any of their proceedings: Let them not say, that these are the perverse suspicious malicious interpretations of some few factious Spirits amongst us, when a Romanist hath bragged, and congratulated in Print, *That the face of our Church begins to alter, the Language of our Religion to change.* And † *Sancta Clara* hath published, *That if a Synod were held, Non intermixtis Puritanis, setting Puritans aside, our Articles and their Religion would soon be agreed.* They have so brought it to pass, that under the name of Puritans, all our Religion is branded, and under a few hard words against Jesuites, all Popery is countenanc'd.

Whosoever squares his actions by any rule, either Divine or Humane, he is a Puritan. Whosoever would be governed by the Kings Laws, he is a Puritan. He that will not do whatsoever other men would have him do, he is a Puritan. Their great work, their Master-piece now is, *To make all those of the Religion, to be the suspected party of the Kingdom.*

Let us further reflect upon the ill effect these Courts have wrought, what by a defection from us, on the one side, a separation on the other; Some imagining whither we are tending, made hast to turn, or declare themselves Papists before-hand, thereby hoping to render themselves the more gracious, the more acceptable. A great multitude of the Kings Subjects, striving to hold communion with us; but seeing how far we were gone and fearing how much further we would go, were forc'd to flye the Land, some into other inhabited Countries, very many into Savage-wildernesses, because the Land would not bear them. Do not they that cause these things cast a reproach upon the Government?

Mr. Speaker, let it be our principal care that these ways neither continue, nor return upon us. If we secure our Religion, we shall cut off and defeat many Plots that are now on foot by them and others. Believe it Sir, Religion hath been for a long time, and still is the great design upon this Kingdom. \* It is a known and practic'd principle, that they who would introduce another Religion into the Church, must first trouble and disorder the Government of the State, that so they may work their ends in a confusion which now lies at the door.

I come next Mr. Speaker, to the Kings business more particularly; which indeed is the Kingdoms, for one hath no existence, no being without the other, their relation is so near; yet some have strongly and subtilly laboured a divorce, which hath been the very bane both of King and Kingdom.

When foundations are shaken, it is high time to look to the building. He hath no Heart, no Head, no Soul, that is not moved in his whole man, to look upon the distresses, the miseries of the Commonwealth, that is not forward in all that he is, and hath, to redress them in a right way.

† The King likewise is reduced to great straits, wherein it were undutifulness beyond inhumanity, to take advantage of him: let us rather make it an advantage for him, to do him best service when he hath most need. Not to seek our own good, but in him, and with him, else we shall commit the same crimes our selves, which we must condemn in others.

His Majesty hath clearly and freely put himself into the hands of this Parliament, and I presume, there is not a man in this house, but feels himself advanc'd in this high trust; but if he prosper no better in our hands than he hath done in theirs, who have hitherto had the handling of his affairs, we shall for ever make our selves unworthy of so gracious a confidence.

I have often thought and said, that it must be some great extremity, that would recover and rectifie this state, and when that extremity did come, *It would be a greao hazard whether it might prove a remedy, or ruine.* We are now Mr. Speaker upon that vertical turning point, and therefore it is no time to palliate, to foment our own undoing.

Let us set upon the remedy, we must first know the Disease: But to discover the Diseases of the State, is (according to some) to traduce the Government; yet others are of opinion, that this is the half way to the Cure.

His



His Majesty is wiser than they that have advised him, and therefore he cannot but see and feel their subverting destructive Counsels, which speak lowder than I can speak of them : for they ring a doleful deadly Knell over the whole Kingdom. His Majesty best knows who they are : for us, let the matters bolt out the men ; their actions discover them.

They are men that talk largely of the Kings service, have done none but their own, and that's too evident.

They speak highly of the Kings power, but they have made it a miserable power, that produceth nothing but weakness, both to the King and Kingdom.

They have exhausted the Kings Revenew to the bottom, nay through the bottom, and beyond.

They have spent vast Sums of Money wastfully, fruitlessly, dangerously : So that more money without other Counsels will be but a swift undoing.

They have always peremptorily pursued one obstinate pernicious course. *First*, They bring things to an extremity, then they make that extremity of their own making, the reason of their next action, seven times worse than the former, and there we are at this instant.

They have almost spoyled the best instituted Government in the World, for Sovereignty in a King, Liberty to the Subject ; the proportionable temper of both which makes the happiest State for Power, for Riches, for Duration.

They have unmannerly and slubbringly cast all their Projects, all their Machinations upon the King : which no wise or good Minister of State ever did, but would still take all harsh, distastful things upon themselves, to clear, to sweeten their Master.

They have not suffered his Majesty to appear unto his People, in his own native goodness.

They have eclipsed him by their interposition : although gross condense bodies may obscure, and hinder the Sun from shining out, yet is he still the same in his own Splendor. And when they are removed, all Creatures under him are directed by his light, comforted by his beams : But they have framed a superstitious seeming Maxim of State for their own turn ; *That if a King will suffer men to be torne from him, he shall never have any good Service done him.* When the plain truth is, *That this is the surest way to preserve a King from having ill Servants about him.* And the Divine Truth likewise is, *Take away the Wicked from the King, and his Throne shall be established.*

Mr. Speaker, Now we see what the sores are in general : and when more particulars shall appear ; let us be very careful to draw out the Cores of them ; not to skin them over with a slight suppurating, festring Cure, lest they break out again into a greater mischief, consider of it, consult and speak your minds.

It hath heretofore been boasted, That the King should never call a Parliament till he had no need of his People ; These were words of Division, and Malignity. The King must alwaies according to his occasions. have use of his Peoples Power, Hearts, Hands, Purfes. The People will always have need of the Kings Clemency, Justice, Protection. And his Reciprocation is the strongest, the sweetest union.

It hath been said too of late ; That a Parliament will take away more from the King, than they will give him. It may well be said, That those things which will fall away of themselves, will enable the Subjects to give him more than can be taken any way else. Projects and Monopolies are but leaking Conduit-pipes ; The Exchequer it self at the fullest, is but a Cistern, and now a broken one ; frequent Parliaments only are the Fountain : And I do not doubt but in this Parliament, as we shall be free in our Advices, so shall we be the more free of our Purfes, that his Majesty may experimentally find the real difference of better Counsels, the true solid grounds of railing and establishing his Greatness, never to be brought again ( by Gods blessing ) to such dangerous, such desperate perplexities.

Mr. Speaker, I confess I have now gone in a way much against my Nature, and somewhat against my Custom heretofore used in this place ; but the deplorable dismal condition both of Church and State have so far wrought upon my Judgement, as it hath convinced my disposition, yet am I not *Vir Sanguinum*, I love no mans ruin ; I thank God I neither hate any mans person, nor envy any mans Fortune ; only I am zealous for



1640.

Sir Edw. Hales

Speech,

Nov. 7. 1640.

for a Thorough Reformation in a time that Exacts it, that Extorts it. Which I humbly beseech this House may be done with as much lenity, as much moderation, as the publick Safety of the King and Kingdom can possibly admit.

Mr. Speaker,

**H**IS Majesty hath been graciously pleased to call us together again to consider freely of all matters of grievances both of this Church and Common-wealth of *England*, and for to be assistants in our Counsels and helps unto him about the *Scottish* Nation that forceably have entred into our Kingdom, so as they may be ordered into their own Country, or chased away out of this without any dishonour to the Kings Majesty and this Kingdom; all which matters are of great importance, moment, and consequence, and will crave great consideration and debating, in our best wills, wisdoms, and discretions, and that must be freely to give us leave.

First therefore, under your favour, I do conceive it fit to make this a happy Parliament, to begin at home; For better it were the *Scots* come unto us, than the Devil should raise his Army, to overthrow us both in Church and Common-wealth.

For it is too plain, he is come with great power, and his malice is great, and his policy strong, put into the heads of the Papists (no mean ones) and Prelates, Schismatics, and Atheists, in several Bands, which hath and seeketh to prevail so much by their several designs. Carefully, lovingly, and dutifully mentioned, and rightly too by the Lords Petition at *York*, and by a Petition of the Citizens at *London*, and also by a Petition of worthy Gentlemens Sons, Apprentices thereof, so reputed to be. All which shew the whole estate of our Church and Common-wealth to be grievously diseased of a \* Plurisie, and must have a present and good cure, or else *England* is overthrown, which is the mother and Almoner of the Kings well-fare, and his posterity. Which Disease, the King not fearing nor knowing, he had some ill counsel to let it run so far in jeopardy of trouble and distress: And herein give me leave to tell you the story of *Noah*, a King in the Ark; yet after he was over-shot, and taken by the Vines of his own planting, and brought himself to some dishonour thereby, as some use our *English* Kings heretofore have done by their favourites, until they saw it, and this is it that made the Papists and Prelates rejoyce in their own Wisdom and Honour, like *Chams*, that saw his Father so deceived; but such deserve a curse for it, both of God and Man, in respect of the matters contained in the foresaid Petitions of our *English* Lords, as also for that the former Parliament might have settled all things in quiet, enriched the Kings Coffers, enabled him to withstand all powerful pretences, and no doubt, but to have qualified the humour of the *Scots*, to all our contents. Therefore these deserve the curse of *Cham* that were movers and stoppers, and hinderers of it.

When things might have been composed convenient, without war or strife, and not upon so extream necessity, which is now brought upon us, and maketh the *Scots* proverb in use ( necessity hath no Law ) for their defence.

But now our Proverb is drawn from thence, we must make a vertue of necessity, a hard case for a good take heed and counsel; For since the Plot of an after intended War, had an ill Policy, that would wrong good *Noah* their Father, and his Children, in such a manner of proceeding, and then in glory and defence of it, against this House of Commons, caule a book to be published against our proceedings, these men which were the cause of publishing of it, are fit to be publish'd as *Noah's* cursed Son *Cham*, shameless. And we for our parts in the House of Commons, together with the higher House of Lords, I hope will not so leave them, but be rejecters of them, as good *Shem* and *Japheth*, acknowledging them to be void Members, that go about to supplant our wrong, the Vineyard, our just King and his Kingdom.

Now therefore consider the former, it shall be fit before we enter upon conference, to be strengthened and enabled for discharge of our well meaning both to our King and Country, answerable to his late speech, to gain and obtain his free love, consent, power on these three points and cautions, handled and moved the last meeting.

First, free liberty of speech.

Secondly, each ones right to our selves.

Thirdly, for reformation of Religion.

And

\* These Physicians let it bleed to purpose.



And these things granted to proceed freely without delay of time or matters, to the Cure of such deadly Diseases if they be let alone.

First, I would conceive, under favour of better judgments, to begin with *Sathans* Roots of evil, viz. All Papists, because they are of the most dangerous seed of the Serpent, to the hurt of the Church and Common-wealth herein; that we agree with a general consent of Parliament, to search, see, and find out all the Jesuits, Priests, Friars, Cappuchines, and all such Romish factions; and by order to all the Justices of Peace in *England*, to Imprison them, or to send them all to some out-Towns, to banish them all out of the Land speedily, while you be in other Council here sitting, and thence to ship them away at their own charges, and upon good bonds and security, that they never return into *England*, *Scotland*, or *Ireland*; and if they should, both the bonds and the Laws to be executed upon them.

And for other long Inhabitants, Papist, and Recufants, such as may seem honest Subjects (only for Religion) the old Orders and Statutes to be put in execution, without the abatement of the penalties, till they shall conform to our Religion; and if any have winked, or underhand compounded for the time past, to be punished, and made pay so much unto the Kings Coffers, as justly due by the Statute ever since King *Charles* his Reign.

The first course and Act of Parliament being speedily put in execution whilst we sit here, will not only excuse the pretended charity that Papists hope for from the King and Queen, but will also manifest the true piety against their heresies forever, and will be a good satisfaction to the *Scots*, which make these one of the chiefest intents and causes of their coming into this Kingdom, which we wish they had no worse intents; and sure it will be a means to try their intents, and our own too, and then we have hope to entreat the *Scots* to stay our leisures.

Mr. Speaker,

THE distempers of this Kingdom are well known they need not Repetition; for though we have good Laws, yet they want their execution; or if they were executed, it is in a wrong sense. I shall endeavour to apply a remedy to the breaches that are made, and to that end I shall discover first the quality of the Disease.

First, There is a design to alter Law and Religion: the parties that effect this, are Papists, who are obliged by a maxim in their Doctrine, that they are not only bound to maintain their Religion, but also to extirpate all others.

The second is their Hierarchie which cannot amount to the height they aim at, without a breach of our Law. To which their Religion necessarily joyns, that if the one stands, the other must fall.

Thirdly, Agents and Pensioners to foreign States, who see we cannot comply to them, if we maintain our Religion established, which is contrary to theirs, here they intend chiefly the *Spanish* white gold works which are of most effect.

Fourthly, Favorites, such as for promotion prize not Conscience, and such are our Judges spiritual, and temporal; such are also some of our Counsellors of State. All these, though severed, yet in their contrivements they aim at one end, and to this they walk on four feet.

First, discountenancing of Preachers, and vertuous men, they persecute under the Law of purity.

Secondly, Countenancing of Preachers of contrary dispositions.

Thirdly, The negotiating with the faction of *Rome* by Preaching, and to instructions to Preach up the \*absolute Monarchie of Kings.

and the absolute Monarchy of Kings is so far from a Popish Doctrine, that both Jesuits and Presbyterians agree in placing the ultimate Sovereignty in the People, and make Monarchy a derivative Trust from the People not from God, contrary to the sense of the Scriptures, Fathers, sense and reason; so that this charge of Mr. Pym's against the Bishops and Clergy as inclining to Popery is utterly false from the very argument by which he indeavours to prove it.

Here follow several Heads.

First, The political Interpretation of the Law to serve their turns, and thus to impose Taxes with a colour of Law; a Judg said it when a *habeas corpus* was paid for.

Secondly,

1640.

Mr. Pym's  
Speech, Nov. 7.  
1640.

\* This none  
of the Church  
of England  
ever Preached,



1640

Secondly, By keeping the King in continual want, that he may seek to their counsels for relief; to this purpose, to keep the Parliaments in distast, that their counsels may be taken. The King by them is brought to this, as a Woman that used her self to poyson could not live with good meat. Search the Chronicles, and we see no King that ever used Parliaments, was brought to this want.

Thirdly, Arbitrary proceedings in Courts of Justice; we have all Law left to the conscience of a single man. All Courts are now Courts of conscience, without conscience.

† Fourthly, Plotters to inforce a War between *Scotland*, and us; that when we had well wearied one another, we might be both brought to what scorn they pleased; The partition wall is only unity.

† It has formerly been made appear by whose

Counsels and contrivances that war break out, & Mr. Pym indeavours to throw the miseries of it upon the Bishops, when it is more than probable it was hatched between the *Scottish* and *English* Presbyterians, and that he himself had a hand in the contrivance.

Fifthly, The suddain dissolving of Parliaments, and punishing of Parliament men, all to affright us from speaking what we think. One was committed for not delivering up the Petitions of the House; then a Declaration which slandered our Proceedings, as full of lies, as leaves, who would have the first ground to be our example. And Papists are under appearance to the King his best Subjects, for they contribute money to the War, which the Protestants will not do.

Sixthly, Another is Military, by getting places of importance into the Papists hands, as who are Commanders in the last Army but they? none more strong in Arms than they, to whom their Armour is delivered contrary to the Statute. Their endeavour is to bring in strangers to be Billited upon us; we have had no accompt of the *Spanish* Navy, and now our fear is from *Ireland*.

Lastly, The next is Papistical that proceeds of Agents here in *London*, by whose desires many Monasteries and Nunneries here in *London* were erected.

Mr. Speaker,

Sir John Hel-lands Speech in Parliament 1640.

\* The premises and conclusion alike true as appeared in the end.

THE time of actions are not for Rethorick and Elocution which emboldens me to rise; And though I must acknowledge my self to be one of the youngest Scholars, and meanest proficient in this great School of wisdom, yet I conceive it a great part of my duty at this time both to deliver my suit and conscience. We are called hither Mr. Speaker by the Royal power, we sit here by the Kings Majesties grace and favour, \* and since his Majesty hath been graciously pleased to leave the Government of all in our hands, I doubt not but we shall lay such a foundation in the beginning of this Parliament, that we shall make it a happy age, a long lasting one, since the dangers of these times, the present distempers of this State, and therein both his Majesty, and our necessities, yea and the whole Kingdoms safety do require it.

We are called now, Mr. Speaker, as I conceive from the reports you have made of his Majesties gracious Declaration, for four principal causes. First, for supply of his Majesties wants. Secondly, for the relief of our Brethren in the Northern parts. Thirdly, for the remove of the *Scots* Forces. Fourthly, for redress of our own grievances. That his Majesties wants are great and many, Mr. Speaker, I think there is no man doubts it; and it is as certain our grievances are so too, they are great and many both in Church and Common-wealth; I shall but touch them in either; since they have been so fully remonstrated in both.

First in the Church, by the usurping power of some Prelates and their adherents, by which means many great dangers, innovations of Doctrines, of discipline, of Government have been thrust upon us.

† Secondly in the Church, by publick sufferances of Priests and Jesuits, not only to come into the land, by which means the number of *Romish* Catholicks are dangerously multiplied, Idolatry increased, and Gods heavy judgments highly provoked.

† This Gentlemans Lady was a *Roman* Catholick, and his daughters

by his own consent and covenant of marriage were educated in the *Romish* Religion, and disposed into Nunneries beyond the Seas, as 'tis confidently reported in his own Countrey.

Thirdly



Thirdly in the Common-wealth, by the late inundation of the Prerogative Royal, which have broken out, and almost overturned all our liberties, even those which have been best and strongest fortified, the *Grand Charter* it self. Mr. Speaker, that which hath been so oft, so solemnly confirmed in the Succession of so many Princes, ratified in his Majesties name, founded by the wisdom of former ages, purposely to keep the beam over and between Sovereignty.

Even this Master Speaker, the dearest and chiefest part of our inheritance hath been infringed, broken, and set at nought in the Common-wealth by the over-potency of some fair great ones, sacred Counsellors of State; by whose advices it is thought the greatest part of these present Distempers, under which the body of this Common-wealth at this time labours, do derive their originals.

Fourthly in the Common-wealth, by the mischievous practices and policies of some subtil Projectors, and under the title of the Kings profit, and the publick good; they have entitled themselves to great and vast Estates, and that by the damage of the whole Kingdom.

They are Master Speaker, the very moths and cankers that have fretten and eaten out all Trade and commerce, the very beauty, strength, and health of this famous Island.

In the Common-wealth, by the entertainment of Foreigners and Strangers, and that at his Majesties excessive charge, by which means his Majesties Coffers are emptied, his Revenues thortned, and the whole Kingdom many other ways oppressed. But Master Speaker, I shall not trouble my self any further in so vast, so large a field; I shall now represent my own weak apprehensions for our progressions in all the particulars for which we have been called, and in all humility submit them.

First, of supply in his Majesties wants, I do humbly desire we may proceed there within its due time; and that with as much loyal duty and liberality, as ever any people expressed towards their Prince, I think I may say the present affairs of the Kingdom require it.

For the relief of our Brethren in the Northern parts, with a sense of charity, and fellow feeling of the miseries, afflictions, and losses, in the removing of the *Scotish* Army with a soft and gentle hand of mediation, pacification, and reconciliation, if possible it may be wrought with his Majesties honour, and the Kingdoms safety (if not) then to repel and repulse them with stout and resolute spirits, with valiant and united hearts and hands, such as shall best suit with our duty to God, our King, our Country; such as shall best become his honour, and ancient renown of this *English* Nation.

In redress of our grievances in those of the Church, which ought to have priority in our consultation; as well in respect of necessity, as dignity. In these Master Speaker, I do humbly desire, and doubt not but we shall proceed with all true piety, and well grounded on each guiding Helve towards Gods House, and his truth. In those of the Commonalty, with a religious care of our Countries freedom, in the faithful performance of the trust reposed in us, by them that sent us, in the preservation of our rights, our ancient rights, the rights of our inheritance, our liberties, our priviledges, our properties.

Yet in all, Mr. Speaker, I do humbly desire we may proceed, as best suiting the matter and condition of these distempered times, or as best becoming the honour, dignity, and wisdom of this so great a Court, so great Council, with all temper, modesty, and all due moderation.

Mr. Speaker,

I Had rather Act than speak in those weighty businesses of the Kingdom, which have been so excellently handled by these four worthy Gentlemen, that spake last, and therefore I shall be short. For when I look upon the body of this goodly and flourishing Kingdom in matters of Religion, and of our Laws, (For like *Hippocrates* Twins, they live and dye together) I say when I behold these in that state and plight, as they have been represented to us, *Flere magis libet quam dicere*; But this is our comfort, Mr. Speaker, that we are all met together for the welfare and happiness of Prince and People; and who knows whether this may not be the appointed time, wherein God will restore our Religion as at the first, and our Laws as at the beginning.

The honour of a King consisteth in the weal of his People: this undoubted maxim

Stt

his

Mr. Bagshaw  
his Speech in  
Parliament,  
Nov. 7. 1640.



1640.

his Majesty hath made good by his late gracious speech and promise to us to redress all our grievances, to destroy the enemies of our Peace and Plenty.

To make a People rich, they must have ease and justice. Ease in their Consciences from the bane of Superstition, from the intolerable burthen of innovation in Religion, and from the racks and tortures of strange and new-fangled Oaths. They must be eased in their persons, being *liberi homines*, and not *Villanes*; All illegal Arrests and Imprisonment against *Magna Charta*, being our greatest liberties. They must be eased in their lands from Forest, where never any Deer fed, from depopulations, where never any Farm was decayed, & from inclosures, where never any hedges were set. But must lastly be eased in their goods from their exactions and expropriations of Pursewards and Apparitors, of Projectors and Monopolists, *Humanarum Calamitatum mercatores*, as an ancient finely calls them: and if the People have all these easements, yet if they have not justice, they cannot subsist; justice is to the civil body, as food to the natural; if the streams of justice be by unrighteousness turned into Gall and Wormwood, or by cruelty, like the *Aegyptian* waters, be turned into blood, those which drink of these Brooks must needs dye and perish.

The Law saith that all Justice is in the King, who is stiled in our book *Fons justitiæ*, and he commits it to his Judges, for the execution wherein he trusts them with two of the chiefest flowers, which belong to his Crown: The administration of his justice, and the exposition of his Laws: but he will not trust them without an Oath required of them, by the Statute of 18 E. 31. Which is so strict and severe, that it made a Judge whom I know, though honest and strict, yet to quake and tremble at the very mention of it. The effect of the Oath is, that they should do equal Law, and execution of right to all the Kings Subjects, poor as well as rich, without regard of any person.

That they should not deny to do common right to any man by the Kings Letters; and for any other cause: And in case such Letters do, that they proceed to do according to the Law notwithstanding such Letters, or for any other causes, as they will answer to the King, in Bodies, Goods and Lands: how this Oath hath been performed, we have seen and felt; I need say no more. But when I cast mine eyes upon the inferior Courts of Justice, wherein no such Oath is required; I mean, the high Commission, and other Ecclesiastical Courts, my soul hath bled for the wrong pressures which I have observed to have been done and committed in these Courts, against the Kings good People; especially for the most monstrous abuse of the Oath *Ex Officio*; which, as it is now used, I can call no other than *Carnificina Conscientiæ*: I have some reason to know this, that have been an Attendant to the Court these five years for my self, and a dear friend of mine, sometimes Knight of our Shire, for a meer trivial business; that the most that could be proved against him, was the putting on his Hat in the time of Sermon. Of which Court I shall say more, and make good what I say, when those Ulcers come to be opened.

Mr. Speaker, I say these four worthies that spake before me, have told you of our miseries; but I cannot tell you of the remedies: For things are come to that height, that I may say, as *Livy* said of the *Roman* state in his time, *Nec Vitia nostra scire possumus nec Remedia*; for no Laws will now do us good; Better Laws could not have been made, than the Stat. of Monopolies, against Projectors, and the Petition of right against the infringers of liberties; and yet as if the Law had been the Author of them, there hath been within these few years more Monopolies and infringement of liberties, than hath been in any age since the Conquest: and if all those vile Harlots, as Queen *Elizabeth* called them, that have been the Authors of those Evils and the Troublers of our *Israel* do go unpunished; it will never be better with us; for now during Parliament, like frozen Snakes their poyson dries up, but let the Parliament dissolve, and then their poyson melts and scatters abroad, and doth more hurt than ever. What then must be done? Why? what the Plaister cannot do, must be done by the Law: *Ense recidendum est, ne pars sincera trabatur*. I cannot better English it, than in the words of a King, *Let them be cut off in their wickedness, that have framed mischief as a Law*. My conclusion, Mr. Speaker, is this; Let the woful violation of the State of Monopolies, and the Petition of Right be made Felony, or Premunire at the least, but yet in the interim let them be made examples of punishment, who have been the Authors of all those miseries, according to the Council of *Solomon*, *Take away the wicked from before the King, and his Throne shall be established in Righteousness*.

After



After these Gentlemen had spoken thus liberally their thoughts and conceptions of the Maladies of the Times, and had intimated what they thought were proper Remedies and Expedients, two humble Petitions were Exhibited and Read, the one preferred by *Sarah Burton*, the other by *Susanna Bastwick* in the behalf of their Husbands who for Seditious and Scurrilous Libells and other Crimes and Misdemeanors had been stigmatiz'd, fined and imprisoned by Sentence of the High Commission Court; whereupon this Vote passed.

I 6 4 0.  
Burton and  
Bastwick Peti-  
tion.

*Resolved upon the Question, That Mr. Henry Burton, and Dr. John Bastwick, shall be forthwith sent for by Warrant of the House, to prosecute their Business here.* And to this purpose it was Ordered that a Warrant under Mr. Speaker's hand should be directed to those who had them in Custody, to send them up thither forthwith in safe Custody, and withal to Certifie this House by whose Warrant and Authority they are detained, which was done accordingly.

Ordered to be  
brought from  
their impri-  
sonment to  
prosecute  
their business.

This was an early specimen of the Temper of this House of Commons, and gave occasion to many considering persons to conjecture that they had no good designs nor intentions towards the Church of *England* as Established by Law; but that they would endeavour the same alteration in *England* which the Presbyterians had by Tumults and Rebellion effected in *Scotland*, and which they gave out was one of the Principal Reasons of their coming with an Army into *England*, which indeed as will by the Consequence appear was rather an Invitation than an Invasion.

Now that the Impartial Reader may the better be enabled to judge both of the Reason of the Censure in the High Commission Court, and the favourable proceedings, or rather high vindication of these persons, I will give some short touches out of *Bastwick's* own Printed Pamphlets, which will clearly demonstrate both the Occasion of his punishment, and the Temper and Intention of his great Patrons of the House of Commons.

In his Answer to the Information Exhibited against him by Sir *John Banks* his Majesties Attorney General, among many other Scurrilous Expressions against the Bishops and Hierarchy by Acts of Parliament owned for a Third Estate of the Kingdom. He hath these words, pag. 19. Speaking of the Romish Hierarchy purposely from that Topick to traduce and deprave the Government of the Protestant Church of *England* as by the Laws of King *Edward* the Sixth, Queen *Elizabeth*, and King *James*, they stood then Established. *In the number of which (saith he) are Cardinals, Patriarchs, Primates, Metropolitans, Archbishops, Bishops, Deans and innumerable such Vermin, a Member of which Monstrous Body our Hierarchy is; this is not known in Sacred Writ, nor never came from God but rather from the Pope and the Devil, Diabolus caccavit illos. Tea the Word of God is absolutely against it.* And in his Litany, *I dare boldly maintain (saith he, speaking of the Prelates) they are more disobedient and worse than the Devils, they are Gods Rebels and Enemies, both by the Law of God and the Land, to God and the King.* Pag. 3. *They forsooth must be Recorded amongst the Nobles, and called Magnates Ecclesiæ, and the verity of the matter is, they are Magnæ nates Ecclesiæ, the monstrosity of the Church, both for Pride, Ingratitude and Ungodliness.*

Bastwick's  
Crimes.

A little after speaking of the Archbishop of Canterbury: *I am so hardned in Goodness (saith he) as I fear neither Post nor Pillory: conceiving always that I hold my Ears by a better Tenure than he holds his Nose, being a Loyal Subject to my Prince than he hath Grace to be, and better able to do him Service than he hath Ability to judge of. But if he should by his might and power, and the iniquity of the Times, advance me to that Desk (mean-*



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ing the Pillory) I doubt not by the Grace of God I shall make there the Funeral Sermons of all the Prelats in England. I hope I shall have the Honour of the good Work, and withal bring such things to Light as all Europe and the whole Church of God shall be the better for it to the Worlds End. And if they shall Sacrifice me upon the Altar of the Pillory, I shall so bleat out their Episcopal Knaveries, as the Odor and sweet smelling savour of the Oblation shall make such a Propitiation for the good of this Land and Kingdom, as the King himself and all Loyal Subjects shall fare the better for it. pag. 5.

And he closes his admonition to the Reader with this sentence, from whence it took the name of his Litany; *from Plague, Pestilence and Famine, from Bishops, Priests and Deacons, Good Lord deliver us, page 10.*

To this there is subjoyned a Letter of his, which for the odd and prodigious way of Libelling, I shall give the Reader one of them intire, and some gleanings out of the other, together with his Bond or Obligation to Mr. Weeks the Keeper of the Gate-house.

*They were Printed in Holland, as is observable from the Title,*

To Mr. Aquila Wycks, Keeper of the Gate-house.

*My good Angel,*

I Have sent you here inclosed, a Letter of my *Limbo Rhethorick*, in which by the Law of Equity I vindicate my Liberty. I have also indeavoured in the same to persuade you, that your fear of my flying is needless, and while I labour to do that, I do evidently likewise prove and demonstrate, That those whom you term Reverend Fathers, and the Apostles Successors deserve no such magnificent Title. I earnestly now intreat you, that upon my honest word you would give me liberty to go see my distressed Consort, whose condition is (all things considered) more deplorable than you can imagine, and would move the hearts of any men to pity and compassion; but the Prelates who never were guilty nor capable of such Noble and Heroical virtues. I must confess, had I not been a man of intolerable Patience, I could never have endured with half that Alacrity the Contumelies, Injuries and Affronts I have suffered from Bishops, Priests and Deacons those little toes of Antichrist. The honour of this, and of all other good I ascribe evermore to the Divine Benediction, which I will perpetually implore, as for the continuation of his blessed assistance to me, and to all that love the Truth and the appearance of the Lord Jesus Christ: so that at last, he would drive out these Buyers and Sellers out of his holy Temple, and that we may with one joynt harmony uncestantly in this our daily Litany pray, *from Plague, Pestilence and Famine, From Bishops, Priests and Deacons, Good Lord deliver us.*

But now *ad rem*, I paternally desire that the consideration of my poor Family may something move you to give me a little liberty: You know what it is to be a Father, and to have Children depending upon you, and you cannot be without some bowels of Compassion. For the Priests, they go to their Veneries, *Ex officio mero, in forma Pauperis*, for the most part, *caute tamen si non Caste*, and as they do all other Wickednesses *ex officio*, so this costs them nothing, nay they gain; for sometimes they get a blow with a *French Coulstaff* by it, and the purging of their Reins: they are like Cuckoes that thrust their Eggs into other Birds Nests, never looking

after



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after either the hatching, or the keeping of their young: But our pleasure costs us something, and we go honestly to it, and we have the honour of lawful Posterity by it also; and therefore we must be careful Fathers to seek for the preservation as well as the procreation of our Offspring; we must be loving Progenitors, and though they do *ex officio* abandon and renounce both honesty and storge at once, yet we may not, having learned better things.

Let therefore the love you bear to the weaker Sex and impotent and innocent Babes move you to so much pity, as to give a little releasement to my Bonds, by which I may provide for my poor indigent Children and Family; For my own particular, Life and Death is all one to me, neither is there any condition in this world can make me happy or miserable. For my glory and rejoycing, and the hope of my blessedness is not here, the futurity of which doth no way mitigate my Comfort and Consolation.

But now I think on't, if you see Father *William* of *Canterbury* his Holiness, and *William London*, *Magnificus Rector* of the *Treasury*, my Wife entreateth you to make them both acquainted with her miserable condition, and how great she is with Child, and ready to lye down: and in what Desolation and Wilderness of trouble she is now in, not knowing how to get out of it, by reason that they have driven away all our Friends and Acquaintance; so that we cannot enjoy from them, the common Laws of humanity of ordinary Entertainment and aid, which I impute not to any evil or unnaturalness in them (I know well their Urbanity) but only to the fear that is in them of the power of the Beast: so that she is now constrained (which grieves me exceedingly) to become an humble Petitioner unto them, (for my part, take notice of it, it is none of my motion, for I will be beholding unto them for nothing but for my Misery, Poverty, and Lice in *Limbo*.) I say therefore she desires, that they would in this desertion of all our Familiars and Allies be *Godfathers* to her Child. And if you can obtain this Favour at their hands in her behalf, that as they *Ex Officio* ruined her poor Husband, so they would likewise *Ex Officio mero* do this good, as to gratifie her in yielding to and granting her supplication, by which she shall be pretty well provided for of God-Fathers, I am most confident I shall prevail with the Whore of *Babylon*, their Old Mistres to be God-Mother, with whom they have so long committed Fornication. And then we will have such a Christning as hath not been in *Europe* this many a blessed day. I intend speedily, to write unto the Secularity of that Ancient City, and dedecate my Method of Physick to it, and I doubt not with my Roman Oratory making them acquainted withal that I am a Catholick, Appostolick *Roman* (as I am indeed) and that I lie now in bonds for the inveterate Doctrine of that Church, but they will without any reluctance grant my Request.

Now after my Prayers for my self and for my Neighbours, I come to Prophecy; If you do not at this time in condolation to my Misery, shew your self propitious in yielding to my Petitions, and give me the Liberty I desire, I will never solicit you more in this behalf: but know thus much, I will so thunder-thump your *Paultry Politans*, as if King *Charles* will but joyn with me in his Favours, will make them come tumbling down like *Phaeton*, or Lightning from Heaven, and crawl upon their Bellies as the Serpent that seduced *Eve*, and lick the Dust, and the memory of them stink to the Worlds duration before I have done with them.

And



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‘ And for the Prior of *Canterbury* there *William* the Dragon, and your  
 ‘ Abby-Lubber of *York* that Oracle of the *North*, who you stile with the  
 ‘ Title of Graces, I will so flang them, as I shall make it evident they never  
 ‘ knew what it was; for if they had any Grace, they would never have  
 ‘ been Persecutors of those that were most really and truest Gracious.

‘ If I receive not this desired Courtesie from you speedily, then I shall  
 ‘ gather, that you and I shall ever be Married together, and if we be  
 ‘ once solemnly joyned, I will conclude hereafter for better for worse, for  
 ‘ richer for poorer, for sickness and in health, till death us depart,

*Your poor Wife in Limbo Patrum*

*Decemb. 8. 1636.*

*John Bastwick.*

The other Letter is of the same leaven, but too long considering what virulent ingredients the Doctor had composed it of to be inserted at length. The scope of it is to persuade his Keeper to give him Liberty upon the Word of a Christian, and one of the reasons that he might go abroad to practice upon such as had the Plague which was then in *London*, of which he tells him he is not afraid, and indeed who ever reads the whole Libel would have reason to credit him, for it is so pestilent, that no Plague could be more mortal, and as ’tis said of the Basilisk his breath was so venomous, as to extinguish all the less poisonous Serpents; however for Satisfaction to the Reader whose curiosity may tempt him to enquire into the Occasions of what he called so severe a Persecution, I will give him some passages out of it.

‘ If Father *William* of *Canterbury* (says he pag. 13.) thinks that I am  
 ‘ afraid of him he is metropolitically mistaken, for I neither fear him nor  
 ‘ love him, neither is there any affection or passion in me so contemptible,  
 ‘ that I deem him or any Prelat in *England* worthy to be the object of it.  
 and a little after according to his prophane way of Religious witticising  
 he would persuade the Arch-Prelat as he calls him to Exercise his hospital-  
 ity by entertaining him and his Family. ‘ Now the Prelat (saith he) hath  
 ‘ an ample house, fit for Entertainment, and a great Revenue to support  
 ‘ his Grandeur; if he please, I and my Family will go and dwell with him,  
 and by this means he shall Exercise his Hospitality; by this means the Pro-  
 phesie of *Isaiah* will be fulfilled, *the Wolf and the Lambs shall lie together*,  
 ‘ I pray the next time you see his Reverend Highness of *Croyden* ask him  
 ‘ if he will do any good in his old days, for I never heard he did in his  
 ‘ young, ask him I pray if his Holiness will accomplish any Prophecies or  
 ‘ obey Apostolical Canons. The Prelats are the Tail of the Beast.

‘ Pag. 14. After I have done my Method of Physick, for the Cure of  
 ‘ the Whore of *Babylon*, &c. I will Anatomize the Prelats, and make it  
 ‘ appear that there is as little need of their Government in King *Charles*  
 ‘ his Dominions, as was of *Sampson’s* Foxes with Firebrands in their Tails  
 ‘ in the *Philistines* Corn.

And if the Reader will stop his Nose, or has any sweets about him, I will give him another Paragraph. ‘ If we look upon the Lives, Actions,  
 ‘ and manners of the Priests and Prelates of this Age, and see their Pride-  
 ‘ Fast, Impudency, Prophaneness, Unmercifulness, Ungodliness, &c. one  
 ‘ wuld think, that Hell were broke loose, and that the Devils in Surplices,  
 ‘ in Hoods, in Capes, in Rochets, and in four square Cow-turds upon their  
 ‘ heads were come among us and had beshit us all; Pho! how they stink.

Then



Then to sweeten his mouth he falls upon the whole body of the inferior Clergy, the Government and Ceremonies of the Church, with the most bitter invectives that daring malice could invent: 'The Priests are *Secundum Ordinem Diaboli*, a Generation of Vipers, Proud, Ungrateful Illiterate Asses, the Church is as full of Ceremonies as a Dog is full of Fleas, the Divine Service he calls the Divided Service, a plaguy deal of Porridge. Page 16. 17. Then he falls upon the Church-Wardens and their Office of presenting, and Affirms it is 'The Office of *Satan* and *Judas* that Archbishop and Primate of Traitors.

1640

And as a Corollary to all this Saint like stuff concludes, 'That as many Prelats as are in *England* so many Vipers in the Bowels of the Church and State, all which (he saith) he speaks not from any disguised passion, such as Rashness and Vanity furnish men withal, but from the Judgment of Deliberation, and which he will maintain with his Blood and Life.

And lest the World should not take his word for it, he prints his Bond, which in regard of the rarity of the Humor, take *verbatim*, pag. 21.

The Obligation of *John Bastwick*, Doctor of Physick, to Mr. *Aquila Wycks*, Keeper of the Gate-House, his good Angel, made Sept. 28. 1636.

*In Nomine Domini incipit omne malum Episcopale.*

BE it known therefore unto all men by these Presents, that I *John Bastwick*, Dr. of Physick in *Limbo Patrum*, do bind my self in this Obligation to Mr. *Aquila Wycks*, that if he neither deliver me out of this *Egypt* and House of Bondage where now I am, by the Tenth Day of *October* next, nor will not let me go to Sacrifice unto my beloved *IO*, that from that time forth I will with a Pen of Iron, correspondent to the Iron-Age of Prelats, so plague the Metropolitcality of *Tork* and *Canterbury*, and the Hyperocality of all the other Prelats, as I will never leave them, till I have sent them to the place where the two *Fulmina Belli*, *Alexander* the Great cries Mustard and Green Sauce, and where *Julius Cæsar* plays *Plato's* Ratcatcher: and if I be found at any time failing in this Endeavour; to pay unto the said Mr. *Aquila Wicks* as much money as the Tail of the Beast is worth. In witness whereof I have set my hand, the day and year above written, being now resident in my Diocess in *Limbo Patrum*.

Dr. Bastwick's Bond to persecute Episcopacy.

*John Bastwick.*

'This with the Corallery I have added to my Litany as Additional Articles, the one to shew the Sum of what I undertake to do, the other to demonstrate the reason of the calling I have to flang the Grols, which many doubt of; and all this I have done, to take away all Hesitation hereafter from all men, when they shall see I am bound to it by a special Obligation under mine own hand.

Having sufficiently tired the Reader with Dr. *Bastwick's* Litany as he calls it, which will remain a Moot-Point whether it has more of the Madman, the Prophane, or the Splenetick in the Composition, and for which of all these he was to be the first fruits of the Votes of this House of Commons particular Care and Favour, let us return to the more grave and serious Debates.

It



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A Motion for  
a Publick Day  
of Fasting.

It was moved that there might be a Day of Solemn and Publick Fasting and Humiliation throughout *England* and *Wales*, to implore the Divine Assistance and Blessing upon the Consultations of the Parliament; A work certainly truly laudable, pious and commendable, had not their future Actions and the particular abusing of that Solemn Duty of Christianity, given too great an occasion to apply that Scripture to their Practices, *Behold ye fast for strife and debate, and to smite with the Fist of wickedness:* and indeed woful Experience did but too abundantly confirm the Suspicion and advance it into a Truth, That there were among them too many violent and Ambitious men, who under the Veil of Piety and Zeal for Religion covered the most Execrable Intentions and Designs, making Religion the most Sacred thing on Earth only a Cover and Pretence to gain upon the Popular Affections, thereby to be Enabled to prosecute and accomplish their impious Designs, which in the End were levelled at *Naboth's* Vinyard and his Life, though Prefaced as his Destruction was with Proclaiming a Solemn Fast.

Upon this Occasion Sir *Thomas Rowe* was sent up to the Lords with this Message:

My Lords,

Sir Tho. Rowe's  
Message to the  
Lords about a  
Fast.

**T**HE Knights, Citizens and Burgeses of the House of Commons, having taken into serious consideration the weighty Occasions of this Assembly of Parliament, concerning the True Worship of Almighty God, the Safety and Wellfare of the King and this whole Realm, and well knowing that the right way to obtain a Blessed Issue thereof is, To implore the Divine Assistance from the Fountain of all Wisdom and Unity to direct them in all their Consultations by one Days Solemn Humiliation in Fasting and Prayer, do therefore desire your Lordships Concurrence.

Tuesday, 17.  
Nov. Appoint-  
ed for a Fast.

To which their Lordships accordingly agreed, and a select number appointed to attend his Majesty and move him in this Affair, which was accordingly done, and Tuesday the Seventeenth of November was by his Majesty appointed for the keeping of a Publick Fast for the Parliament and Cities of *London* and *Westminster*, and Tuesday month following throughout *England* and *Wales*. And Mr. *Stephen Marshal*, a man eminently remarkable then for his Disaffection to Episcopacy, and afterwards highly instrumental in advancing the Rebellion from the Pulpit, together with Dr. *Burgeß* were by Order from the House of Commons nominated and desired to Preach; and Sunday after the Fast was also appointed for the Members of the House to receive the Holy Eucharist, and Mr. *Gaudy*, and Mr. *Morley* likewise then desired to Preach before them.

Upon Monday the Ninth, Mr. Secretary delivered a Message to the House, informing them that his Majesty had issued out his Proclamation to disarm all Papists, and remove them from *London*. Then several Petitions were by divers of the Members presented to the House, the General scope of which were for Redress of Grievances, and particularly as it was forelaid by the Anti-Episcopal Party, complaints against the Prelats, and Innovations in Religion, the Spiritual Courts; &c. Upon which Occasion divers of the leading men of the House made Speeches by way of Aggravation, some of which lived to see their Error, and by narrowly escaping drowning in that inundation wherein they were very instrumental in cutting the Banks, learnt the Danger and Calamity of being swayed  
more



more by Popular Noise and Clamour, than the Calm and Sedate, the just and regular movements of deliberate Consideration and impartial Reasoning. Among others, the Lord *Digby* Son to the Earl of *Bristol*, a great Enemy to the Earl of *Strafford* as if it had been Entailed to his Family to oppose the Crime Ministers of State, and for which he was then one of the most Eminent Darlings of the People, for so the Discontented called themselves, spake to this Effect.

1640

Mr. Speaker,

YOU have received now a solemn account from most of the Shires of *England*, of the several grievances and oppressions they sustain, and nothing as yet from *Dorsetshire*; Sir, I would not have you think that I serve for a Land of *Goshen*, that we live there in Sun-shine, whilst darkness and plagues overspread the rest of the Land: As little would I have you think, that being under the same sharp measure that the rest, we are either insensible and benumbed, or that, that Shire wanteth a Servant to represent its sufferings boldly.

The Lord  
Digby's speech  
No. 9. 1640.

It is true *Mr. Speaker*, the County of *Dorset* hath not digested its complaints into that formal way of Petition, which others (I see) have done; but have intrusted them to my Partners and my delivery of them by word of mouth unto this Honourable House. And there was given unto us in the County Court, the day of our Election, a short memorial of the heads of them, which was read in the hearing of the Free-holders there present, who all unanimously with one voyce signified upon each particular, that it was their desire, that we should represent them to the Parliament, which with your leave I shall do, and these they are.

1. The great and intolerable burthen of Ship-money, touching the legality whereof they are unsatisfied.

2. The many great abuses in pressing of Souldiers, and raising moneys concerning the same.

3. The multitude of Monopolies.

4. The new Canon, and the Oath to be taken by Lawyers, Divines, &c.

5. The Oath required to be taken by Church-Officers to present according to Articles new and unusual.

Besides this, there was likewise presented to us by a very considerable part of the Clergy of that County, a note of remembrance containing these two particulars.

First, The imposition of a new Oath required to be taken by all Ministers and others: which they conceive to be illegal, and such as they cannot take with a good Conscience.

Secondly, The requiring of a pretended Benevolence, but in effect a Subsidie, under the penalty of suspension, excommunication, and deprivation, all benefit of appeal excluded.

This is all we had particularly in Charge: But that I may not appear a remiss Servant of my Countrey, and of this House; give me leave to add somewhat of my own fence.

Truly *Mr. Speaker*, the injurious sufferings of some worthy members of this House, since the dissolution of the two last *Parliaments*, are so fresh in my memory, that I was resolved not to open my mouth in any business, wherein freedom and plain dealing were requisite, until such time, as the breach of our priviledges were vindicated, and the safety of speech settled.

But since such excellent Members of our House, thought fit the other day to lay aside that Caution, and to discharge their Souls so freely in the way of zeal to his Majesties Service, and their Countries good: I shall interpret that confidence of theirs for a lucky Omen to this *Parliament*, and with your permission license my thoughts too, a little.



1 6 4 0.

*Mr. Speaker*, Under those heads which I propos'd to you, as the grievances of *Dorsetshire*, I suppose are compris'd the greatest part of the mischiefs which have of late years lay'd battery either to our Estates or Consciences.

Sir, I do not conceive this the fit season to search and ventilate particulars, yet I profess I cannot forbear to add somewhat, to what was said the last day by a learned Gentleman of the long Robe, concerning the Acts of that Reverend New Synod, made of an Old Convocation. Doth not every Parliament mans heart rise to see the Prelats thus usurpe to themselves the Grand Preeminence of Parliament? The granting of Subsidies, and that under so preposterous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; A *Malevolence* I am confident in those that granted it, against Parliaments: and a *Malevolence* surely in those that refuse it, against those that granted it, for how can it incite less? when they see wrested from them what they are not willing to part with, under no less a penalty than the loss both of Heaven and Earth: of Heaven, by Excommunication; and of the Earth by Deprivation; and this without Redemption by Appeal. What good Christian can think with patience on such an ensnaring Oath as that which is by the New Canons enjoyned to be taken by all Ministers, Lawyers, Physitians, and Graduates in the Universities? where, besides the swearing such an impertinence, as that things necessary to Salvation are contained in Discipline; besides the swearing those to be of Divine Right, which amongst the Learned, never pretended to it, as the Arch things in our Hierarchy. Besides, The swearing not to consent to the change of that, which the State may upon great reason think fit to alter: Besides the bottomless Perjury of an *&c.* Besides all this, *Mr. Speaker*, Men must swear that they swear freely and voluntarily what they are compelled unto: and Lastly, That they swear that Oath in the literal sence, whereof no two of the makers themselves, that I have heard of, could never agree in the understanding.

In a word, *Mr. Speaker*, to tell you my opinion of this Oath, it is a Covenant against the King, for Bishops and the Hierarchy; as the *Scotish* Covenant is against them, only so much worse than the *Scotish*, as they admit not of the Supremacy in Ecclesiastical Affairs, and we are sworn unto it.

Now *Mr. Speaker*, For those particular heads of Grievances whereby our Estates and Properties are so radically invaded; I suppose (as I said before) that it is no season now to enter into a strict Discussion of them; only thus much I shall say of them, with application to the Countrey for which I serve, that none can more justly complain, since none can more justly challenge exemption from such burdens than *Dorsetshire*; whether you consider its a Countrey subsisting much by Trade; or as none of the most populous; or as expos'd as much as any to Foreign Invasion.

But alas *Mr. Speaker*, particular Lamentations are hardly distinguishable in Universal Groans.

*Mr. Speaker*, It hath been a Metaphor frequent in Parliament, and if my memory fail me not, was made use of in the Lord Keepers Speech at the opening of the last, that what money Kings rais'd from their Subjects, they were *But as Vapors drawn up from the Earth by the Sun, to be distilled upon it again in fructifying showers.* The Comparison *Mr. Speaker*, hath held of late years too unluckily: what hath been rais'd from the Subject by those violent attractions, hath been formed, it is true, into Clouds, but how? to darken the Suns own lustre, and hath fallen again upon the Land only in Hail-stones and Mildews, to batter and prostrate still more and more our Liberties, to blast and wither our Affections; had the latter of these been still kept alive by our Kings own personal vertues, which will ever preserve him in spite of all ill Counsellors, a sacred object, both of our admiration and loves.

*Mr. Speaker*, It hath been often said in this House, and I think can never be too often repeated, *That the Kings of England can do no wrong*; but though they could *Mr. Speaker*, yet Princes have no part in the ill of those Actions which their Judges assure them to be just, their Counsellors that they are prudent, and their Divines that they are conscientious.

This Consideration, *Mr. Speaker*, leadeth me to that which is more necessary far, at this season, than any further laying open of our miseries, that is, the way to the remedy, by seeking to remove from our Sovereign, such unjust Judges, such pernicious Counsellours, and such disconscient Divines, as have of late years, by their wicked practices, provok'd aspersions upon the Government of the graciouslest and best of Kings.

Mr.



*Mr. Speaker,* Let me not be mis-understood, I level at no man with a fore-laid design, let the faults, and those well proved, lead us to the men: It is the only true Parliamentary method, and the only fit one to incline our Sovereign. For it can no more consist with a Gracious and Righteous Prince to expose his Servants upon irregular prejudices, than with a Wise Prince to withhold Malefactors, how great soever, from the Course of orderly Justice.

Let me acquaint you *Mr. Speaker*, with an Aphorism in *Hippocrates*, no less authentick I think in the Body Politick than in the natural, thus it is *Mr. Speaker*, Bodies to be thoroughly and effectually purged must have their humors first made fluid and moveable.

The humors that I understand to have caused all the desperate maladies of this Nation, are the ill Ministers. To purge them away clearly they must first be loosened, unsettled and extenuated, which can no way be effected with a gracious Master, but by truly representing them unworthy of his Protection.

And this leadeth me to my Motion; which is, That a select Committee may be appointed to draw out of all that hath here been represented, such a Remonstrance as may be a faithful and lively Representation unto his Majesty of the deplorable Estate of this Kingdom, and such as may happily discover unto his Clear and Excellent Judgement the pernicious Authors of it. And that this Remonstrance being drawn, we may with all speed repair to the Lords, and desire them to joyn with us in it: and this is my humble Motion.

*Sir John Culpeper* of *Kent* also spake to the same purpose, as followeth:

*Mr. Speaker,*

I Stand not up with a Petition in my hand, I have it in my mouth, and have it in charge from them that sent me hither, humbly to present to the consideration of this House the grievances of the County of *Kent*; I shall only sum them up; they are these.

First the great increase of Papists by the remiss execution of those Laws which were made to suppress them; the life of the Law is Execution; without this they become but a dead letter; this is wanting and a great grievance.

The second is, the obtruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altar-wise, and bowing or cringing to, towards it, the refusing the holy Sacrament to such as refuse to come up to the Railes, these carry with them some scandal, and much offence.

The third is, Military charges, and therein first Coat and Conduct Money, required as a loan, pressed as a due in each respect equally a grievance. The second is the enhancing the price of Powder, whereby the Trained Bands are much discouraged in their Exercising: however this may appear *prima facie*, upon due examination it will appear a great grievance. The third is more particular to our County: It is this; The last Summer was twelve-month, 1000 of our best Arms were taken from the owners, and sent into *Scotland*: The compulsory way was this; If you will not send your Arms you shall go your selves. *Mr. Speaker*, the Trained Band is a Militia of great strength and honour, without charges to the King, and deserves all due encouragement.

The fourth, is the Canons, I assign these to be a grievance; First, in respect of the matter, besides the &c. Oath. Secondly, in respect of the makers, they were chosen to serve in a Convocation; that falling with the Parliament, the Scene was altered: The same men without any new election, shuffled into a sacred Synod. Thirdly, in respect of the consequence, which in this age, when the second ill president becomes a Law, is full of danger. The Clergy, without confirmation of a Parliament, have assumed unto themselves power to make Laws, to grant relief by the name of benevolence, and to intermeddle with our free-hold by suspensions and deprivation, This is a grievance of a high nature.

The next grievance is the Ship-money; This cries aloud, I may say, I hope without offence, This strikes the first-born of every Family, I mean our inheritance; If the Laws give the King power, in any danger of the Kingdom, whereof he is Judge, to impose what and when he please; we owe all that is left, to the goodness of the King, not to the Law, *Mr. Speaker*, this makes the Farmors faint, and the Plough to go heavy.



1640.

The next is the great decay of cloathing and fall of our Wools; These are the golden Mines of *England* which gives a foundation to that Trade which we drive with all the World; I know there are many Stars concur in this constellation, I will not trouble you with more than one cause of it, which I dare affirm to be the greatest. It is the great customs and impositions laid upon our Cloath, and new Draperies: I speak not this with a wish to lessen the Kings Revenues. so it be done by Parliament; I shall give my voice to lay more charge upon the superfluities, due regard being had to Trade, which we import from all other Nations: sure I am that those impositions upon our native commodities are dangerous, give Liberty to our Neighbours to under-sell; And I take it for a Rule, that besides our loss in Trade, which is five times as much as the King receiveth, what is imposed upon our Cloaths, this is taken from the Rent of our Lands. I have but one Grievance more to offer unto you: But this one compriteth many, It is a nest of wasps, or swarm of vermin, which have overcrept the Land, I mean the Monopoles and Polers of the People; These like the Frogs of *Egypt* have gotten Possession of our dwellings, and have scarce a room free from them: They sup in our cup, they dip in our dish, they sit by our fire, we find them in the dy-stay, wash-bowl, and poudring tub, they share with the Butler in his box, they have marked and sealed us from head to foot. Mr. Speaker, they will not bate us a Pin: we may not buy our own Cloaths without their brokage; These are the Leeches that have sucked the Common-Wealth so hard, that it is almost become heetical: And Mr. Speaker, some of these are ashamed of their right names; they have a vizard to hide the brand made by that good Law in the last Parliament of King *James*; They shelter then selves under the Name of a Corporation, they make By-Laws which serve their turns to squeeze us, and fill their purses; u. face these and they will prove as bad Cards as any in the Pack; these are not petty Chapmen, but Wholesale men. Mr. Speaker, I have Ecchoed to you the Cries of the Kingdom, I will tell you their hopes: They look to Heaven for a Blessing upon this Parliament, they hang upon his Majesties Exemplary Picty and Great Justice, which renders his Ears open to the Just Complaints of his Subjects; we have had lately a Gracious Assurance of it; it is the wise conduct of this, whereby the other great Affairs of the Kingdom, and this our Grievance of no less importance, may go hand in hand in preparation and resolution: Then by the Blessing of God we shall return home with an Olive-Branch in our mouths, and a full Confirmation of the Priviledges, which we received from our Ancestors, and owe to our Posterity, and which every Free-born *English* Man hath received with the Air he breathed in.

These are our Hopes, These are our Prayers.

To the same matter spake Mr. *Harbottle Grimston* of *Essex*.

Mr. Speaker,

Mr. Harbottle  
Grimston's  
Speech. Nov. 9.  
1640.

I Hese Petitions which have been now read, they are all Remonstrances of the general and universal grievances and distempers that are now in the State and Government of the Church and Common-Wealth: and they are not them alone, But his Majesties gracious Expressions the first day of Parliament, that calls me up to speak at this present, contrary to my own Intentions.

Mr. Speaker, His Majesty, who is the head of the body politique, and the Father of the Common-Wealth, hath complained first, declaring his sensibleness of our sufferings, and amongst other things, hath put us in mind of our grievances, and hath freely left it to our selves (for our redress and repair therein) to begin and end, as we shall think fit. And this draws me on with much cheerfulness and zeal to contribute my poor endeavours to so great a work.

And Mr. Speaker, I conceive it will not be altogether impertinent for your direction and guidance in that great place, which by the favour of his Majesty, and this House you now possess, a little to recollect our selves in the remembrance of what was done the last Parliament, and where we ended.

It will likewise be very considerable what hath been done since that Parliament, and who they are that have been the Authors and Caufers of all our miseries and distractions, both before and since.

Mr.



*Mr. Speaker,* The last Parliament, as soon as the House was settled, a Subsidiary Aid and Supply was propounded, and many Arguments used to give the precedency before all other matters and considerations whatsoever.

On the other side, a multitude of Complaints and Grievances of all sorts, as well concerning our Eternal as our Temporal Estates were presented and put in the other ballance: The wisdom of that great Council weighing both indifferently, and looking not only upon the dangers then threatned from *Scotland* (which are now upon us) but likewise taking into their consideration the condition and constitution of the present Government here at home, concluded that they were in no capacity to give, unless their grievances were first redressed and removed.

For *Mr. Speaker*, it then was, and still is, most manifest and apparent, that by some judgments lately obtained in Court of Justice, and by some new ways of Government lately started up amongst us; the Law of Property is so much shaken, that no man can say he is Master of any thing: But all that we have, we hold as Tenants by Courtise, and at Will, and may be stripped of it at pleasure.

Yet *Mr. Speaker*, desirous to give his Majesty all possible satisfaction and contentment, as well in the manner of supply for expedition, as in the substance and matter of it, we confined and limited our selves but to three particulars onely, and to such matters as properly and naturally should have reference and relation to those three heads.

1. *The first was the priviledges of Parliament.*
2. *The second matters of Religion.*
3. *The propriety of our Goods and Estates.*

And we began with the first, as the great Ark, in which the other two, Religion and Property are included and preserved.

*Mr. Speaker*, the violations complained of the last Parliament, touching our Priviledges, were of two sorts; either such as had been done in Parliament or out of Parliament.

Concerning the violations of the first sort, it was resolved by vote, that the Speaker refusing to put a question, being thereunto required by the House,

Or to adjourn the House upon any command whatsoever, without the consent and approbation of the House it self, were breaches and violations that highly impeached our priviledges.

And having passed the vote, I conceive it were fit we should now proceed a little further, and consider of a way how to be repaired against them that have been the violaters: For Execution does *animare Legem*. The putting of an old Law in Execution, you know *Mr. Speaker*, does oftentimes do more good than the making of a new one.

As concerning the violations of the other sort, done out of Parliament in Courts of Justice, and at the Council-Board, where neither our persons nor our proceeding ought to have been controlled or medled withall; and as concerning matters of Religion, and the property of our Goods and Estates, there were divers things then likewise agreed upon by vote, whereupon a conference was desired to have been with the Lords: But what interjections and rubs we met withal by the way, and how the Lords countervoted the precedency of our Grievances, and how our Speaker was taken away from amongst us, and what an unhappy conclusion we had at the last, the remembrance of it were a subject too sad to begin another Parliament withal.

Therefore *Mr. Speaker*, I shall pass from what was done the last Parliament, and come to what hath been done since that Parliament ended.

*Mr. Speaker*, there are some worthy Gentlemen now of this House that were Members of the last Parliament, that carried themselves in the matters and businesses then and there agitated and debated, with great Wisdom, and unexampled Moderation. But what had they at last for all their pains, in attending the publick strince of the Common-Wealth; As soon as ever the Parliament was ended, their Studies and Lockets were searched, as if they had been Fellons and Traytors, and they committed



mitted to several Goals, with an intention I am confident of their utter ruin and destruction, had they not foreseen a danger approaching; For *Mr. Speaker*, if I be truly informed, an information was drawn, or at least, directions given for the drawing of it against them in the Star-Chamber.

*Mr. Speaker*, There hath been since the last Parliament a Synod, and in that Synod a new Oath hath been made and framed, and enjoyned to be taken.

*Mr. Speaker*, They might as well have made a new Law, and enjoyned the Execution of that, as enjoyned and urged the taking of the other, not being Established by Act of Parliament, and in point of mischief, the safety of the Common-wealth, and the freedom and liberties of the Subject are more concerned in the doing of the one, than if they had done the other.

The next exception I shall take to it, is to the matter contained in the Oath it self.

*Mr. Speaker*, They would have us at the very first dash swear in a damnable Heresie, that matters necessary to Salvation are contained in the Discipline of our Church.

Whereas *Mr. Speaker*, it hath ever been the tenet of our Church, that all things necessary to Salvation are comprehended in the Doctrine of our Church only; And that hath always been used as an Argument untill this very present, against *Antidisciplinarians*, to stop their mouths withal; and therefore that for that reason they might with the less regret and offence, conform and submit themselves to the Discipline of our Church.

And *Mr. Speaker*, for prevention in case the Wisdom of the State in this great Council, should at any time think fit to alter any thing in the Government of our Church, they would anticipate and fore-stal our judgments, by making us swear before-hand, that we would never give our consent to any alteration.

Nay *Mr. Speaker*, they go a little further, for they would have us swear, that the Government of the Church by Archbishops, Bishops, Deans, Archdeacons, &c. is *Jure divino*, Their words are, *as of Right it ought to stand*; whereas *Mr. Speaker*, we meet not with the name of an Archbishop, or a Dean, or an Arch-deacon in all the new Testament. And whatsoever may be said of the Function of Bishops it is one thing: But for their Jurisdiction it is meerly *Humana Institutione*, and they must thank the King for it.

As for their gross, absurd, &c. wherein they would have them swear they know neither what, nor how many fathome deep: There is neither Divinity nor Charity in it, and yet they would put that upon us.

*Mr. Speaker*, What they meant and intended by this new Oath, and their Book of Canons, and their Book of Articles, which they would have our Church-Wardens sworn unto, to enquire of and to present thereupon, I must confess I know not, unless they had a purpose therein to blow up the Protestant Religion, and all the faithful Professors of it, and to advance their Hierarchie a step higher, which I suppose we all fear is high enough already.

*Mr. Speaker*, They have likewise in this Synod granted a benevolence, but the nature of the things agrees not with the name, for in plain *English* it is six Subsidies to be paid by the Clergy in six years: and the penalty they have imposed upon the refusers, for non-payment, is to be deprived of their Functions, to be stripped of their Freehold, and to be Excommunicated, and this Act of their Synod is not published amongst their Canons, for which they might have some colourable seeming Authority: But it comes out, in a Book alone by it self in the *Latine* Tongue, supposing as I conceive that Lay-men are as ignorant as they would have them; and thus they think they dance in a Net.

And as in this, so in most of their new Canons if they be thoroughly considered, any judicious man may easily discern and perceive, that they do therein like Water-men that look one way and row another, they pretend one thing, but intend nothing less; and certainly *Mr. Speaker*, in this they have flown a high pitch; For a Synod called together upon pretence of reconciling and settling Controversies and matters in Religion, to take upon them the boldness thus out of Parliament, to grant Subsidies, and to meddle with mens Free-holds, I dare say the like was never heard of before, and they that durst do this, will do worse if the current of their raging Tyrannie be not stopped in time.

Who



Who are they *Mr. Speaker*, that have countenanced and cherished Popery and Arminianism to that growth and heighth it is now come to, in this Kingdom?

1640.

Who are they *Mr. Speaker*, that have given encouragement to those that have boldly preached those damnable Heresies in our Pulpits?

Who are they *Mr. Speaker*, that have given Authority, and Licence to them that have published those Heresies in Print?

Who are they *Mr. Speaker*, that of late days have been advanced to any dignity or preferment in the Church, but such as have been notoriously suspicious in their Disciplines, corrupt in their Doctrines, and for the most part, vicious in their Lives?

And who are they *Mr. Speaker*, that have overthrown our two great Charters, *Magna Charta*, and *Charta de Foresta*?

What Imposition hath been laid down, or what Monopoly hath been damned in any Court of Justice since the last Parliament?

Hath not Ship-money, Coat and Conduct-money, and money for other Military Charges, been collected and levied, with as great violence as ever they were, in violation of our Liberties, confirmed unto us in our Petition of Right; notwithstanding all our supplications and complaints the last Parliament?

And who are they *Mr. Speaker*, that have caused all those dangerous Convulsions, and all the desperate unnatural bloody distempers, that are now in our body politick?

*Mr. Speaker*, I will tell you a passage, I heard from a Judge in the Kings-Bench. There was a poor man committed by the Lords, for refusing to submit unto a project, and having attended a long time at the Kings-Bench Bar, upon his *Habeas Corpus*, and at last pressing very earnestly to be bailed, The Judge said to the rest of his Brethren, Come Brothers (said he) let us Bail him, for they begin to say in the Town, that the Judges have overthrown the Law, and the Bishops the Gospel.

*Mr. Speaker*, I would not be misunderstood in what I have said; for there are some of both Functions and Professions, that I highly honour and reverence in my heart, for their wisdoms and integrities. But *Mr. Speaker*, I may say it; for I am sure we have all felt it, That there are some of both Functions and Professions, that have been the Authors and Causers of all the Miseries, Ruins, and Calamities that are now upon us.

*Mr. Speaker*, This is the Age; this is the Age (*Mr. Speaker*) that hath produced and brought forth *Achitophels*, *Hamans*, *Woolfies*, *Empsons*, and *Dudlies*, *Tricilians*, and *Belknapps*, Vipers and Monsters of all sorts. And I doubt not, but when his Majesty shall be truly informed of such matters, as we are able to charge them withal, we shall have the same Justice against these, which heretofore hath been against their Predecessors, in whose wicked steps they have trodden.

And therefore *Mr. Speaker*, to put our selves into a way for our redress and relief, I conceive it were fit that a Committee might be named to take these Petitions, that have now been read, and all others of the like nature, into their considerations, to the end, that the parties grieved, may have just repair for their grievances; and that out of them, Laws may be contrived, and framed for the preventing of the like mischiefs for the future.

Amongst the other Petitions there was one read from Dr. *Alexander Leighton* a Scotch man and violent Presbyterian, who for his Seditious behaviour and other misdemeanors, stood convicted Prisoner to the Fleet, whereupon followed an Order of the House to the Warden of the Fleet, that he should have Liberty with a Keeper *gratis* to go about, to prosecute his Petition, and to be removed out of the Common Prison to a more convenient place, and to have the Liberty of the Fleet.

This



1640.

John Lilburn  
Petitions.

This *Leighton* afterwards when *Lambeth House* was made a Prison for the loyal Gentry and Clergy, was by the Commons constituted the Keeper, where he did to some purpose make reprisal for his damages, and persecuted their Purfes with as much rigour and severity as his Masters did their Persons, making that Persecution which was to great a crime in others a lawful and gainful calling in himself.

The success of these Petitioners encouraged others, among the rest *John Lilburn* prefers one, and is referred to the consideration of the same Committee with *Leighton* for the examination of his Case, and the Redress of his sufferings, and ordered to have the same liberty.

Now in regard the said *Lilburn* made a considerable figure in all the following Revolutions, from this obicure rise crawling by the stairs of a pretended Sanctimony to be a great favourite of the People and asserter of their Liberty, and advancing to be a Colonel in the Army, it will not I think be unpleasant or unprofitable to the Reader to give a short Character of him as it is drawn by the hand of his dear friend and fellow-sufferer *Dr. Bastwick* in a Letter to *Mr. Vicars*, afterwards a great stickler in the Rebellion.

*Lilburns* Character.

*This John Lilburn a man of a restless, boiling and unwearied Spirit, condemned by his ungovernable temper to perpetual troubles, and quarrels with his Superiours, and always opposing himself to the power that was uppermost, had contracted a great friendship with this Dr. Bastwick, but a quarrel arising between them about the Speaker of the House, whom Bastwick accused for endeavouring to make his composition with the King, and sending a considerable sum of money to Oxford, of which there will be occasion to speak hereafter, Lilburn who from his Master had learnt the excellent Talent of Libelling, Prints one about this affair, and fell very foul upon Bastwick, and indeed the Presbyterian party whom he had now deserted, and was fallen in with the Congregational or Independent party.*

*Bastwick, who was not used to carry Coals, except in his own bosom, which was always on fire, returns him an answer in the Paper before-mentioned, wherein he falls as foul upon the Independents as formerly he had done upon the Prelats, giving them the same complement of rising from the Devil's Posteriors *Diabolus caccavit illos*, sayes he of the Independent Teachers, and upon this difference he gives us this account both of himself and *Lilburn*, and of their affairs; take his own account for I will do him no wrong.*

*Being a Prisoner in the Gatehouse for a Book he had written against one Chouney, where under pretence of battering down the Popes Supremacy, he had most impudently and with all the virulence his Oratory and Rhethorick could invent, of which he had a very great opinion, aspersed and calumniated the Hierarchy and Episcopal Government of the Established Church of England; he became the general object of the compassion and charity of the Presbyterians being a violent asserter of their Way and Geneva Discipline, and notwithstanding his complaints which before you have heard in his Letters to Wycks the Keeper of the Gatehouse, even by his own confession he tasted of their bounty and liberty, and met more good Angels in the Gatehouse than his Keeper, upon whom he bestows that compellation.*

For as he saith himself, a Wealthy and Grave Citizen whom he did not know, nor does he name him, coming to see him, they had some discourse of his sufferings, and the general Theme the Persecution and injustice of the Prelates; and the Citizen put him by all means upon writing some stinging



stinging invective against them; Hereupon at the instigation of this person *Bastwick* undertook to do it, and gives his reason for it, (for sayes he) *I could not indure them (meaning the Bishops) they having utterly undone me two or three times, and prosecuted him Forty years for being a Puritan or Presbyterian.*

*Bastwick's* bosom which was a *Tinderbox*, immediatly took fire at this spark of Revenge, and setting his wits to work as well as his malice, he writ the before-mentioned Pamphlet against the Bishops, which he called his Litany, in the midst of all his high pretensions to Religion, forgetting both the old Testament command, and the new Testament reviver of it both in precept and practice by *St. Paul*, *thou shalt not speak evil of the Ruler of thy People*; but having to some purpose, as he sayes, *Flang'd the Grolls*, and reviled the whole order and office of the Priesthood, and that *ex industria*, and without the possibility of *St. Paul's* Excuse who retracted his Error by an ingenuous confession, *That he knew not that the person to whom he spoke so tartly was the high Priest*; his friend the Citizen came to make him a visit to whom he read the said Litany, and from whom he received Ten pieces of Gold, with wonderful applause and commendation; the Citizen took his purchase along with him, and by Copies and Transcripts the Libel went from hand to hand among the *Presbyterians*, with as much veneration and admiration as if it had been Canonical Scripture, as prophanely (in which sort of wit he did abound) he did endeavour to imitate the Holy Writings, intituling it, *John the Physician to the Elect Lady*, he having Dedicated it to the Lady *Walgrave* of *Womingford* in *Essex*.

*Lilburn* who it seems was newly out of his Apprentiship, but he does not say to what Trade, having smoak'd this Pamphlet, resolves to set up the Religious Trade of Libelling, and his own Stock being very low, Sixty pounds being as *Bastwick* sayes, all the Portion he had to begin the World with, he repairs to the *Gatehouse* and scrapes an acquaintance with the Litany Doctor, and after some previous visits to screw himself into *Bastwick's* Bongraces, *Lilburn*, whom by this time the Dr. took as he saith to be a godly young man (though gain was the foundation principle of his Godliness) breaks the matter to him, and giving him an account of his low condition, becomes a suitor to him to bestow upon him a Copy of his Litany, as also of his Answer to the Bill of Information Exhibited in the *Star-Chamber* against him by *Sir John Banks* his Majesties Attorney General, and the other Libels before-mentioned. *Bastwick* demands of him what he would do with them, to whom *Lilburn* freely replies that he would go over into *Holland* and get them Printed there, and that he had a Confederate, a young man whom he had also brought thither, who was Godly and Faithful, who was to go a share with him in the undertaking, and who would take care of the vending and dispersing them in *England*. *Bastwick* made some difficulty of the thing, putting him off by telling him he had not a Copy of it by him, but being pressed by the importunity of *Lilburn*, who told him it might be his making, and that he doubted not to get a considerable advantage by it, *Bastwick* bid him come to him at such an appointed day and he would discourse him further in it.

The prefixed time being come, *Lilburn* was punctual in his attendance; *Bastwick* told him he was very willing to do him good, seeing him a hopeful young man; but did absolutely dislike the other person he had brought with him before, dissuading him from having any thing to do with him, and positively affirming, that if he did he would certainly betray him, and

1640.

Spite, malice and Revenge by *Bastwick's* own Confession the reasons that moved him to write his Litany against the Bishops.



1640.

that then he would be ruined and undone: But such was *Lilburn's* confidence in his confederate, that he gave no credit to the prediction, looking upon it only as a bare conjecture, and therefore repeated his request to the Dr. for a Copy; whereupon *Bastwick* sent him to one *Vicars* a School-Master in *Christ-Church*, who accordingly furnished him with it.

*Lilburn* having settled his design, passes over into *Holland*, gets it Printed, sends it to his confederate who disperses it to such advantage, as that they cleared Sixty pound by the first Impression; and flusht with their good fortune, they resolve to adventure for a second: but the disperser coming to the knowledge of the Arch-bishop, and finding the danger into which he had run his Ears, to save them he resolves to discover his Partner; and so according to *Bastwick's* Prediction, *Lilburn* dreaming of nothing less than that he was discovered, was at his first landing seized together with his Cargo, and by sentence in the *Star-Chamber*, Imprisoned, Fined, Whip and Pillored, and the Books burnt by the hand of the common Hangman, and in this condition he was when he Petitioned the House of Commons for redress, and was relieved as you see to be a perpetual trouble to himself and distaste to the ruling Authority which he sometimes pretended to admire, which was *Presbytery* in the Church, and a *Common-wealth* in the State.

An order to bring Master *Prinn* from his restraint in the Isle of *Jersey*.

An Order was also made to send for *Mr. William Prinn* a Barrister of *Lincolns-Inn* from the Isle of *Jersey* by Warrant of the House of Commons, and that the cause of his Detainer should be certified also to the House.

Thus was the cause of this Triumvirate of the Champions of *Presbytery* *Burton* a Divine, *Bastwick* a Physitian, and *Prinn* a Lawyer, even in the infancy of the Parliament espoused by the House of Commons; and the Episcopal Party had little reason to draw any auspicious Auguries from these beginnings, which appeared so palpably in favour of their open and avowed Enemies.

Vote against Monopolies and Monopolists and Proprietors disabling them to sit in the House of Commons.

Then the House fell upon the business of Monopolies, and a Vote passed *Nullo contradicente*; That Monopolies are unlawful, and that all such persons Members of the House that have any share in, or benefit by any Monopoly or Projects, or have punished any persons for disobeying such Warrants for Monopolies, shall be disabled to sit in the House, and that all such repair to Mr. Speaker to acquaint him with it, that new Warrants may be issued out for Election of new Members to serve for those places for which they were chosen; or otherwise to be treated as strangers that have no power to sit in Parliament.

Friday No. 10. Sir William Beecher before the Lords about breach of Privilege.

This day Sir *William Beecher* was sent for by order of the House of Lords by the Gentleman Usher, and being at the Bar he was charged by the Lord Keeper for searching the Studies and Pockets of the Earl of *Warwick* and the Lord *Brookes*, immediately after the dissolution of the late Parliament, and within the time of privilege of Parliament; and commanded to give an account by what Warrant he did it, to this Sir *William* answered, That he was a Clerk of his Majesties Privy Council and sworn to do his Majesties service, and therefore desired their Lordships to give him leave, that he might first acquaint his Majesty with it before he answered.

Whereupon he was commanded to withdraw, after many debates he was called in, and kneeling, the Lord Keeper by direction of the House, asked him to shew his Warrant, and blamed him for laying the business upon his Majesty, no such thing being asked him, but Sir *Will.* still refused to give a direct answer, or to deliver his Warrant, but desired to be excused until he had acquainted the King with it; upon which he was again com-

manded



manded to withdraw ; and after much consideration of the Lords, he had the favour to be called in again, and the Lord Keeper by order of the House told him, that the Lords do take him to be the chief actor of the Fact, and are resolved to proceed against him as the principal, and accordingly to inflict punishment upon him, unless he will now shew by what Warrant he did the Fact.

To which Sir Will. answered again, *That any thing as may stand with his Duty to his Majesty he must obey, for he hath exhorted others to Obedience, and he himself must obey and suffer what their Lordships please to lay upon him.*

Then he was commanded again to withdraw, and the Lords considered what was fit to be done ; and their Lordships conceiving that Sir William Beecher hath indeavoured to interest the King in the matter, and hath not dealt so clearly nor fairly with their Lordships ; for the Earl of Warwick and the Lord Brook have both affirmed that they did see Warrants in his hand under both the hands of the Secretaries of State, and so it aggravates his offence in using his Majesties name, when he might have put it upon the Secretaries : it was thought fit by some Lords that he should be called in again, and have an Oath administred unto him, but it was otherwise thought fit by the Lords, and that he should not by Oath be forced to accuse himself, but to take the Execution of the Warrants for granted upon the report of the two Peers of this honourable House, and so proceed against him. And it was ordered that Sir Will. Beecher should stand committed for his contempt, and for not giving this Honourable Court a direct answer being thrice demanded, and for refusing to produce the Warrants by vertue of which he did search the two Lords Pockets and Studies and carry away their Papers ; and for breach of the priviledge of the Peers of Parliament, and that in time of priviledge of Parliament their Lordships will now take it into their further consideration, it was ordered that Sir Will. Beecher shall be presently examined publickly in the House concerning these particulars.

First, Whether he did search the Pockets and Studies for Papers of the Earl of Warwick and the Lord Brooks ?

Secondly, Whether he did not shew the Earl of Warwick two Warrants, and the Lord Brooks one Warrant ?

Thirdly, What names were subscribed to those Warrants ?

Fourthly, Where those Warrants are ?

Sir Will. being called in to the Bar, the Lord Keeper did accordingly examine him upon the aforesaid questions. Sir Will. Beecher confessed, *That he did take Papers out of the Pockets and Study of the Earl of Warwick and the Lord Brook, and that he did shew their Lordships Warrants under the bands of the two Secretaries, and that the Warrants he hath in his Custody.* Whereupon an Officer of the House was appointed to go along with him to fetch the Warrants, and it is ordered that Mr. Maxwell Gentleman Usher should go along with him and should not suffer him to speak with any body going or coming, but return hither presently again.

Being returned, Sir Will. Beecher was called in, and the Lord Keeper demanded the two Warrants of him, which being delivered to the Clerk by Sir Will. Beecher at the Bar, the Clerk delivered them to the Lord Keeper, and by the consent of the House they were both read by the Clerk, being both subscribed by Sir Francis Windebank and Sir H. Vane both Secretaries



1640.

Tuesday  
November 10.  
Sir Edward  
Derings speech  
about Religion  
and Bishops.

of State to his Majesty ; after which Sir *Will. Beecher* was committed to the *Fleet*, and a Conference was desired with the Commons about it.

Sir *Edward Deering* presented a Petition in the behalf of one Mr. *Wilson* Rector of *Ocham* in the County of *Kent*, upon which occasion he made this following Speech.

*Mr. Speaker,*

Y Esterday the great affairs of this House did borrow all the time allotted to the great Committee for Religion. I am sorry that having but half a day in a whole week, we have lost that.

‘*Mr. Speaker*, It hath pleased God to put into the heart of his Majesty ( for the Kings heart is in the hand of the Lord ) once more to assemble us into a Senate, to consult upon the unhappy distractions, the sad dangers, and the much feared ruins of this late flourishing Church and Kingdom. God be praised both for his goodness, and for his severity whereby he hath impelled this meeting ; and humble thanks unto his Majesty, whose parental care of us his Subjects, is willing to relieve us.

‘The sufferances that we have undergone are reducible to two heads. The first concerning the Church : the second belonging to the Commonwealth. The first of these must have the first fruits of this Parliament, as being the first in weight and worth, and more immediate to the honour of God and his glory, every dram whereof is worth the whole weight of a Kingdom.

‘The Commonwealth ( it is true ) if full of apparent dangers. The Sword is come home unto us, and the two twin Nations united together under one Royal head, brethren together in the bowels and the bosome of the same Island, and which is above all, imbande together with the same Religion ( I say the same Religion ) by a devillish machination, like to be fatally imbrued in each others blood, ready to dig each others Grave, *Quantillum absuit !*

‘For other grievances also, the poor disheartned subject, sadly groans, not able to distinguish betwixt Power and Law. And with a weeping heart ( no question ) hath prayed for this hour, in hope to be relieved, and to know hereafter, whether any thing he hath, besides his poor part and portion of the common Air he breathes, may be truly called his own.

‘These ( *Mr. Speaker* ) and many other do deserve and must shortly have our deep regard, but *Suo gradu*, not in the first place : There is a *unum necessarium* above all our worldly sufferances and dangers. Religion, the immediate service due unto the honour of Almighty God. And herein let us all be confident, that all our consultations will prove unprosperous, if we put any determination before that of Religion.

‘For my part, let the Sword reach from the North to the South, and a general perdition of all our remaining right and safety, threaten us in open view, it shall be so far from making me to decline the first settling of Religion, that I shall ever argue, and rather conclude it thus. The more great, the more imminent our perils of this world are, the stronger and quicker ought our care to be for the glory of God and the pure Law of our souls.

‘If then ( *Mr. Speaker* ) it may pass with full allowance, that all our cares may give way unto the treaty of Religion, I will reduce that also to be considered under two heads : first of Ecclesiastick persons, then of Ecclesiastick causes. Let no man start or be affrighted at the imagined  
‘length



length of this consultation, it will not, it cannot take up so much time as it is worth.---This, it is God and the King; this, is God and the Kingdom, nay, this, is God and the two Kingdoms cause.

I 6 4 0.

And therefore ( Mr. Speaker ) my humble motion is, that we may all of us seriously, speedily, and heartily enter upon this, the best, the greatest, the most important cause we can treat of.

Now ( Mr. Speaker ) in pursuit of my own motion, and to make a little entrance into this great affair, I will present unto you the Petition of a poor oppressed Minister in the County of Kent: A man Orthodox in his Doctrine, conformable in his life, laborious in the Ministry as any we have, or I do know.

He is now a sufferer ( as all good men are ) under the general obloquy of a Puritan; ( as with other things was excellently delivered by that silver Trumpet at the Bar. ) The Pursivant watches his door, and divides him and his Cure asunder, to both their griefs: For it is not with him as ( perhaps ) with some that set the Pursivant at work, gladdened of an excuse to be out of their Pulpit, it is his delight to Preach.

Sir Benjamin Rudyer.

About a week since I went over to Lambeth, to move that great Bishop ( too great indeed ) to take this danger off from this Minister, and to recall the Pursivant. And withall I did undertake for Master Wilson ( for so your Petitioner is called ) that he should answer his accusers in any of the Kings Courts at Westminster.

The Bishop made me answer ( as near as I can remember ) *in hæc verba*, I am sure that he will not be absent from his Cure a twelve-month together, and then ( I doubt not ) but once in a year he shall have him.

This was all I could obtain, but I hope, ( by the help of this House ) before this year of threats run round, His Grace will either have more Grace, or no Grace at all. For our manifold griefs do fill a mighty and a vast circumference; yet so that from every part our lines of sorrow do lead unto him, and point at him the Centre from whence our miseries in this Church, and many of them in the Common-wealth do flow.

*Let the Petition be read, and let us enter upon the work.*

Thus were many worthy Gentlemen hurried down the stream of that impetuous Torrent which began with the fair and specious pretences of Piety, Conscience and Reformation, but ended in Extirpation of the Established Government of the Church, and by degrees brought the extremity of Root and Branch, which if we may credit, the more enlightned acknowledgments of their Errors was very far from their Intentions: and that I may not seem to speak only conjecturally, you shall hear this Gentlemans Apologize for this Speech in a Pamphlet which he put out and Printed for his own Vindication: where immediately after this Speech he subjoyns these words, page 6.

*What is here for Root and Branch? It is replied that the Petitioner Mr. Wilson is a man for Root and Branch; if he be that was no part of his Petition, nor indeed any part of my knowledge then: I am no more bound to answer herein, than I am obliged to own and defend Mr. Wilson, if he should hereafter cast aside the Common Prayer: what were that to me, or to what I then did say? Sure I am, that I was well assured, that he did not allow of separation then; and that he had been a powerful persuader of others, not to withdraw from our publick Service: and I think so well of his goodness, temper and Conscience, that he will not easily be led away to these mistaking Excesses*

Sir Edward Derings Apology for this Speech to vindicate himself from being against Episcopacy Root and Branch.



I 640

cesses; so far he; and how far he and many others were mistaken in the goodness, temper and conscience not only of this person but the whole Party, their future actions and abandoning the Common Prayer, and preaching up the necessity of a separation, together with such Excesses as Sir Edward Deering never imagined, nor any age ever saw a Paralel, and it is to be hoped Posterity will never see again the thred of these Collections will in due time lead us to the knowledge of.

Mr. Peter  
Smart a Mini-  
ster Petitions.

At the same time Mr. Peter Smart a Minister in the Bishoprick of Durham preferred a Petition against Dr. Cosins for prosecuting him in the Ecclesiastical Court for a Sermon Preached in the Cathedral Church at Durham, and that the Reader may have a little light into the Affair, as also because it will help to inform him in the management of the publick Affairs of State, I will give a brief account both of the time, occasion and some passages out of his Sermon which was Printed by his own order.

The Reader may remember that in the year 1638. The great Commotions and Broils were on foot in Scotland, the pretence of which Rebellion was the fear of popery and Innovations, though in reality it terminated in the extirpation of Episcopacy, and throwing out the Liturgy, in order to the Establishment of the Presbyterian Geneva Government and Discipline.

Nor were the Presbyterian party idle in England to exasperate the minds of the People against the Bishops, and to advance the Scottish Design and Model of Reformation; to effect this they mainly indeavoured to possess the Nation with a belief that the Prelats were bringing in the Romish Religion, and all their cry was against Idolatry, Superstition and Innovations, and among the rest Dr. Cosins then Master of St. Peters Coll. in Cambridge and Prebendary of Durham was look'd upon as a great instrument in promoting that Design, merely for pressing Conformity and those Decencies in the Service and Worship of God, which might encounter a great Argument of the Papists against those of the Reformed Religion, who were used to pervert many young Gentlemen and persons of Quality in their Travails beyond the Seas, by objecting the indecent, disorderly, and as they termed it unmannerly way of worshipping God in our Churches, without the least shew of Respect or outward Reverence to the Divine Majesty whom we pretended to adore.

Passages out of  
Smarts Ser-  
mon.

Upon this occasion, and in this juncture of affairs, viz. July 7. 1638. This Smart, who till then had not publicly manifested himself or his dissatisfaction, or endeavoured privately to have his objections answered, or his doubts and jealousies cleared and removed, being to Preach in the Cathedral Church at Durham which had been newly beautified and adorned, took for his Text, Psal. 31. v. 7. *I hate them that hold of Superstitious vanities*, from which Scripture he took occasion to make a most bitter invective against the Bishops, charging them like the Scots with no less crimes than flat Popery and Idolatry: and for the Readers satisfaction I have here transcribed some few Paragraphs out of his discourse, which it may be too were something sweetned by his second thoughts before he committed them to the Press.

Page 7. *We must hate (saith he) our Carnal and Natural friends when they become our Ghostly Enemies hindering Gods glory and our Salvation; neither must we hate them secretly, hold our tongues and let them alone, but we must indeavour to reclaim them from their Idols, after which of late they have hastily turned.*

But



But if they prove stubborn and stiffnecked, then we must cry aloud and proclaim their folly, we must discover their blindness and nakedness to the world; we must persecute them with fire and sword, the fire of zeal and the sword of Gods word having the Laws of God and the King on our side, and that his Auditors might understand who were thus to be persecuted pag. 11. he thus explains himself, *The whore of Babylon's lastardly brood doting upon their Mothers beauty, that painted Harlot of the Church of Rome, have laboured to restore her all her Robes and Jewels again, especially her looking-glass the Mass, in which she may behold her bravery; and lest this should not be plain enough, a few lines after, But adds he, the Mass coming in brings in with it an inundation of Ceremonies, Crosses and Crucifixes, Chalice and Images, Copes and Candlesticks, Tapers and Basons, and a thousand such trinkets, which we have seen in this Church (meaning the Cathedral) since the Communion Table was turned into an Altar.*

Page 13. *Ye blind Popish Priests understand ye not, that by erecting an Altar ye advance it above the Body of Christ, endeavouring to prove it from St. Matt. 23. v. 5. Whether is greater the Gift or the Altar that sanctifieth the gift? page 20. Blind Guides, Members of our Church Rotten Members I doubt of higher degree, to whom all men and women are rank Puritans and Schismatics to be thrust out and expelled if they refuse to dance after their fantastical Pipe in every idle ceremony.*

And in page 26. *I assure you the Altar is an Idol, a damnable Idol as it is used, I say they are whores and whoremongers, they commit spiritual Fornication who bow their bodies before that Idol the Altar, notwithstanding they say their minds are clean and that they lift up their hearts to Heaven.*

Thus went the Popular Torrent and under the pretence of the Fear of an inundation of Popery, brought on an impetuous flood of misery, and those persons were accused as designing to introduce the Romish Religion and Superstition, who designed by those innocent Ceremonies, Decency, Order and Uniformity in Religious Worship, to avoid those Divisions which the Papists had sown among us, and from which they hoped to reap a plentiful harvest in our Ruine.

A more Eminent instance can scarcely be given than in this very Gentleman Dr. Cousins, after the happy Restauration of King Charles the Second advanced to the Bishoprick of Durham, who for all his being thus branded with the name of Papist, and a design to bring in the Mass and Idolatry of Rome, yet being by the violence of the persecution which was raised against the Episcopal Party forced to quit his native Countrey and seek a retreat among the Papists in France, he continued a most unshaken Protestant, and bold propugnator of the reformed Religion even to the hazard of his life; and when the necessitous condition to which he was reduced, and all the advantageous offers imaginable were made him to embrace the Roman Communion, yet were not those Temptations capable of removing him from his foundation, insomuch, that despairing of ever obliging him to change his Religion, the Papists were so enraged at him, as, I have heard it from his own mouth, frequently to threaten him with assassination, and that he should not escape Pistol or Ponyard; and in revenge, which I have heard him aver was the most sensible affliction that ever befell him in his whole life, they inveigled his only Son from him to become a Papist, and to take upon him Religious Orders in the Church of Rome, and after he had used all the ways and even the Authority of the French King which by his interest he had procured to interpose for the regaining him first out of their power, and from their persuasion, it proved altogether

A remarkable instance of the falsity of the accusation of Dr. Cousins for being a Papist



1640.

The House of-  
fended with  
Sir William  
Widdrington  
for calling the  
Scots Rebels.

A Committee  
appointed to  
consider of  
the Petitions  
from the  
Counties, and  
to draw a De-  
claration of  
the State of  
the Kingdom.

Conference  
between  
Lords and  
Commons a-  
bout Breach  
of Privilege.

Wednesday  
November 2.

'Εἰκόνη Βασι-  
λική.  
Upon the E.  
of Strafford.

Alderman  
Abel for Mo-  
nopoly of  
Soap.

The doors of  
the House of  
Commons  
lockt upon  
the Debate  
about the E.  
of Strafford.

altogether ineffectual, insomuch that he was obliged at the last to disinherit him, as is well known to those honourable persons who inherited the Bishops Estate, and fared the better for the Folly of his unfortunate Son.

Wilson and Smart are referred to Dr. Leightons Committee for Examination of their Case in order to redress.

And how far the *Scotish* interest prevailed in the House of Commons is evident, that upon a debate that day in the House concerning the *Scotish* Treaty, Sir William Widdrington hapning to call the *Scots* Invading Rebels, distast was taken at the Expression, and he was obliged to give satisfaction, by acknowledging, that he knew they were the Kings Subjects, and that he would no more call them so.

After this the House fell into debate concerning the state of the Kingdom, and the Lord Digby, Sir Fra. Seymour, Sir John Culpeper, Mr. St. John, Sir Tho. Widdrington, Sir Robert Harlow, Mr. Selden, Sir Miles Fleetwood, Mr. Pym, Mr. Grimston, Sir Peter Heyman, Mr. Kirton, Sir Walter Earl, Sir John Clotworthy, Sir John Strangeways, Mr. Pierrepont, Mr. Bagshaw, Mr. Hambden, Mr. Capel, Mr. Crew, Mr. Perd, Mr. Henry Bellasis, Sir Tho. Barrington and Sir Benjamin Rudyard were nominated to be a Committee, and to draw out of what hath been or shall be presented to the House a Declaration as may be a faithful Representation of the state of the Kingdom.

A Conference was held between a select number of Lords and Commons about a breach of privilege the last Parliament, viz. *The seising of the Earl of Warwick and the Lord Brooks, searching their Pockets and breaking up their Desks for Papers, by Sir William Beecher a Clerk of the Council, who being examined before their Lordships dischargeth himself upon two Warrants from Secretary Windebank and Secretary Vane Members of the House of Commons.*

Hitherto we have seen but some light velitations, now we come to a trying Point; how great an animosity the *Scots*, and indeed the whole Presbyterian Party had against the Earl of *Strafford*, Lord Deputy of *Ireland* has formerly been touched at; now they were resolved to lay the Ax to the Root of the Tree: and indeed he was a Person whose Character given by his Great Master who best knew him, *That he was a Gentleman whose great Abilities might make a Prince rather afraid than ashamed to employ him in the greatest affairs of State*, rendred him at once the object of their fear and hate; and till they had removed him, they did not think fit to proceed, and they seemed to lay the whole stress of their affairs upon this Hinge, and as some of them were heard to say, *if they could persuade the King to part with Strafford, he could then deny them nothing.* Upon Tuesday therefore the 11th of November, after some things of more indifferency pass'd (as the sending for Alderman *Abel* to appear before the Committee of Grievances, he being complained of for the Monopoly of Soap, and ordered to bring his Patent, Articles, Covenants and Papers) a Letter was offered by Serjeant *Rigby*, which being read, an order was presently made, That Master *Grey*, and Master *Newton* Messengers of the Kings Chamber should be sent for, and that no Member should offer to go forth till this business receive a disquisition, or till the Messenger return, the outward Rooms to be cleared and the outward door kept lock'd.

The business of sending for *Grey* and *Newton* was about the Commitment and Discharge of Priests and Jesuits from the Clink, Newgate and other Prisons; but the great affair and occasion of the locking up the doors was the Debate concerning the impeachment of the Earl of *Strafford*. And



And so intent were they upon the business, that Serjeant *Bramston* bringing a Message from the Lords to desire a Conference with the Commons at two of the Clock, the King having commanded the Lords Commissioners that Treated with the Scots at *Rippon* and *Tork* to give an account of it to both Houses. Answer was returned, *That the House was upon weighty and important business, and doubted they could not attend their Lordships at that time, but so soon as they can they will send Answer by Messengers of their own.*

This important Affair which they were for four or five hours lock'd up in the House, was the point of impeaching the Earl of *Strafford*, and the result was that he should be impeached; and Master *Pym*, Master *Strode*, Master *St. Johns*, Serjeant *Grimston*, Lord *Digby*, Sir *John Clotworthy*, Sir *Walter Erle*, and Master *Hambden* were nominated to be a select Committee to prepare matter for a Conference with the Lords, and to prepare the Charge against the Earl of *Strafford*.

And they had so prepared the matter before-hand, that an impeachment or Charge was ready and immediately it was upon the Vote.

Resolved, &c. That a Message be sent from this House to the Lords to accuse *Thomas Lord Wentworth* Earl of *Strafford* Lord Lieutenant of *Ireland*, of high Treason, and to desire he may be sequestred from Parliament and Committed, and that in convenient time this House will resort to their Lordships, with particular accusations and Articles against him.

But in regard it will be more regular and unbroken, I will hereafter give the Reader an intire Account of the several movements and procedures by which this great man was taken off the Stage, and in the mean time proceed to those intervening occurrences which happened before his Affair came to be the only business of the Parliament, and the expectation of the Nation.

This Accusation of the Lord Lieutenant they knew would be a very unwelcome surprize to his Majesty who had a very extraordinary value for his uncommon Abilities and known Loyalty and fidelity to his Majesties Interests and Service, and therefore to temper and sweeten it, Master Treasurer *Vane* was ordered to return the thanks of the House to his Majesty for his gracious Message on Munday last, viz. *The Proclamation for disarming Papists, and removing them from London*; but this was only colour, for presently after they took exceptions at the Proclamation as insufficient.

Then it was moved that Mr. Secretary *Windebank* might answer the accusation of *Grey* and *Newton* the Messengers, concerning the Releasement of several Priests and Jesuits: and it was ordered, that the Keepers of the Prison named in *Greys* Note, should bring the causes of the Commitments of the Priests named in that Note, and certifie by whose Warrant and Authority any of them have been discharged, by Ten of the clock to morrow, and *Grey* and *Newton* to attend the House.

It will certainly be the wonder of future Ages, as well as it was the astonishment of that wherein it was acted, to take a review of the bold proceedings of this House of Commons, and how even from their very Infancy they affected the Supremacy of Power, and that Arbitrary Government which they pretended to redress, of which hereafter there will be too many fatal Instances; and this following is not a little remarkable: An Information being given that one *O'Connor* an *Irish* Priest and Jesuite was to come this day to his Tryal before the Judges of the Kings Bench, and an intimation that the said Priest might be serviceable in making some Discoveries, the House without any previous Message to his Majesty made

I 6 4 0.  
A message  
from the  
Lords.  
Answer.

Committee  
for Impeach-  
ment of the  
Earl of *Straf-  
ford*.

Secretary  
*Windebank* ac-  
cused.

Thursday,  
Nov. 21.



1640.

1640.

a peremptory order which was sent by Master *Glyn* and Master *Perd*, to command the Judges to stop the Tryal of the said *O Connor*, till they received further order from the House, to which the Judges who were amazed and terrified by the Example of the Earl of *Strafford*, yielded a most ready and submissive obedience.

The Keepers of the *Gatehouse* and *Newgate* being called in, produced Master Secretary *Windebanks* Warrant for the discharge of one *Fisher* a Jesuite committed by the Lords of the Council, *Goodman* a Priest, *Tho. Reynolds* a convicted Jesuite, and one *Moss* a Priest.

Then the House fell into the debate about Religion, upon which occasion Sir *John Wray* delivered himself in a Speech, as followeth :

Mr. *Speaker*,

Sir *John Wray's*  
Speech, No. 12.  
1640.

**I**T was well observed by my Lord Keeper, that a multiplying-Glass may deceive ; but the right English Glass of the Common-wealth, never. In which I discern, so comely and active a motion, that out of all question, some great work is here to be done, something extraordinary is here to be decreed ; or else God and the King beyond all our expectations, at the last breath, would never so soon have cemented us again, to meet in this great Council.

Mr. *Speaker*, What an happy sight will it be to see the King and his people accord ? A threefold cord is not easily broken ; and I hope King *Charles* his threefold Kingdoms shall never be so divided, as to break in pieces.

Mr. *Speaker*, God knows, the divisions of Great Britain, have half untwisted our long union ; and I fear that God is angry with our National lukewarm temper : *The zeal of his house hath not kindled that flame in our hearts ; which our seeming good actions, have blown abroad ; much like the walking of a Ghost, or lifeless body which affrights many, but pleaseth no beholder. Omnia honesta opera voluntas inchoat ;* It is the heart or will which gives the beginning to every good action ; and I hope our constant resolutions will be to settle Religion in his splendor and purity, by pulling Dagon from the Altar ; and whipping the Buyers and Sellers out of the Temple ; *Pars prima bonitatis est velle fieri bonum.* The first part of goodness is to have the will of being good.

*Cujus contrarium veyum erat,*  
as the event  
manifested,  
this Parlia-  
ment accord-  
ing to his ap-  
peal proving  
the greatest  
Curse that  
England ever  
felt.

God knows all our hearts, and takes notice of our inward resolutions, and for what ends we come hither, if to propagate and advance his glory and Gospel, blessed shall this Parliament and Nation be, and then most happy we, whose God is the Lord, all things shall work together for our good. For Mr. *Speaker*, he that turns the hearts of Kings like the Rivers of waters, will make the King and his Kingdoms all of one mind: Long live King *Charles* the Great, and his numerous Royal Issue, to defend the true Faith which will protect and keep him and his, safe in his fathers Throne. Never King gave more full content to his people, than his Majesty now hath done, and I hope never Subjects came with better hearts and affections to their King and Countrey than we do: let it then appear Mr. *Speaker*, by our outward actions and practice, that our inward obedience both of heart and hand, is true, loyal, and currant coin, not false nor counterfeit ; for, *Nemo veraciter dicit, volo, qui non facit illud quod potest ;* no man truly sayes, I am in will and heart resolved, unless according to his ability, he endeavour to perform his resolution, which, to speak the hearts of us all in this renowned Senate, I am confident, is fully fixed upon the true reformation of all disorders and innovations in Church or Religion, and upon the well uniting, and close rejoynting of the now dislocated Great Britain : For let me tell you Mr. *Speaker*, that, God be thanked, it is but out of Joynt, and may be yet well set, by the skilful Chyrurgions of this Honourable House, to whose loving and Christian care, and to whose tender and upright hands I leave it, only with this Aviso, let brotherly love continue, and be constant and of good courage ; for the keeper of *Israel* who neither slumbers nor sleeps, who delivered us from *Romes* November powder-blast, will no doubt still preserve his Anointed our gracious King, and us his loyal Subjects from all dangers of fire, or sword ; For, *Si Deus nobiscum quis contra nos ?*

Mr. *Speaker*,



Mr. *Speaker*,

BY the Report made from the Committee of Religion, you may see to what an exorbitant height Popery is grown; and yet how slowly we go on to suppress it; I fear God is displeased with us, or else no disaster should have prevented the sealing of our Covenant, when intended: And I hope it shall be performed the next Sabbath. Had our Fast been accepted, and our outward humiliation cordial, no blow should have distracted our preparations. Mr. *Speaker*, If we had taken the good Counsel of our Teachers at the Fast, and believed their Report we had done well, and by this time no doubt we might have found out *Achan*, with his Wedge of Gold, and Babylonish Garments: but we have spent our time only in pilling off the Bark, and snatching the boughs and the branches of Popery, and that will do no good, for they will grow thicker and harder; what must we do then, Mr. *Speaker*, to preserve our Religion safe and sound, to us and our posterity, that our golden Candle-stick be not removed? Why, the only way is to fall to our work in earnest, and lay the Axe to the Root, to unloose the long and deep Fangs of Superstition and Popery: which being once done; the Bark will soon fall down. Let us then Mr. *Speaker*, endeavour a thorough Reformation, for if it be imperfect, it will prove the seed of dissolation, if not desolation (which God forbid) and to prevent that, I shall humbly move that the Groves and high places of Idolatry may be removed, and pulled down, and then Gods wrath against *England* will be appeased; until then never.

1640.

Sir John Wrays  
speech, No. 21

Mr. *Bagshaw* also declared for Law, That the Bishops and Clergymen which held the late Synod were in Premunire for holding it, though when afterwards it came to the Test, they were not able to prove it and so the Clergy escaped that danger, though by their prevailing power afterwards they were treated with no less severity, being despoiled not only of their Liberty and Estates, but of their Lives also.

This day Sir *William Beecher's* Petition was read, wherein he acknowledges his Error in opposing his sense to the Judgement of this Honourable Assembly, whereupon, and considering the infirmity and sickness of Sir *William Beecher*, their Lordships were pleased to extend their favours towards him, and ordered that he should be released speedily of his Imprisonment.

The Lord Chief Justice of the Kings Bench, signified to the House that this morning himself and Master Attorney General were commanded by his Majesty to deliver unto their Lordships the relation concerning one *O Connor* an Irish-man and a Romish Priest now close Prisoner in the *Gatehouse*; his offence being of an high and transcendent Nature, he told their Lordships that he had been examined by a Justice of Peace of *Middlesex*, the witness against him was one Woman, and she of good fame and credit, and now a good Protestant, though formerly a Romish Recusant; this Woman hath had often discourse with the said *O Connor*, who told the Woman that many thousands were in pay to be ready to cut all the Protestants Throats, and being asked how that could be? he answered by killing the King first; and being asked how that could be? he said this hand (meaning his own hand) should do it.

*O Connors*  
Treason.

This day the Lord Viscount *Stafford* was with the usual Solemnity introduced into the Lords House and placed on the Viscounts Bench, his Patent of Creation bearing date the 11 die Novemb. 16 Car. Regis.

This day several Petitions were read from the City of *Norwich*, the County of *Bedford*, and the County of *Warwick*, all tending to the same effect, complaining of Episcopal Government, dangers of Popery, Innovations in Religion, and Petitioning for redress of Grievances, all which were then the popular Themes of Petitions, and were carried on most vigorously and zealously by the indefatigable pains and industry of the Pres-



1640.

byterians, that thereby it might appear to be the sense of the Nation, and might give the better countenance to introduce that real Innovation in Religion by extirpating Episcopal Government, and setting up the Presbyterian Discipline after the example of their Brethren of Scotland.

The House then fell into debate of the Affairs of the North where the two Armies lay gazing one upon another in expectation of the Issue of the Treaty which was removed from Rippon to London, and his Majesty who foresaw the use they intended to make of spinning out the Treaty, having commanded the Lords Commissioners to give an account how far they had proceeded in that Affair to both Houses of Parliament, Sir Thomas Roe made his Report thereof as followeth:

*Sir Thomas Roe's Report of the Treaty with the Scots, Nov. 13. 1640.*

Mr. Speaker,

*I Am to make a Report of what was delivered at the conference of a Committee of both Houses of Parliament upon Thursday last.*

*I hope, Mr. Speaker, so much upon the favour of this House that they will give me leave to be a Reader, and that they will not expect from my Age and Weakness a particular repetition of the same words, a task too great for my memory unpractised for many years in such exactness; neither am I able to represent without diminution, that life, and grace, that those relations received from so great abilities, desiring their Lordships pardon, and your acceptance of the substance and matter, wherein I hope I shall omit nothing substantial; and if I could repeat every word, yet would it want as much lustre as copies of ordinary hands, do of the best Originals.*

*My Lord Keeper did first let us know, that his Majesty had commanded the Lords Commissioners of the great Council, to give an account of their Treaties at York and Rippon, to both Houses; and of his Majesties gracious intentions, in a business so much importing the honour and safety of the Kingdom, that there might be a faithful relation with all candor and clearness, which was the sum of his Majesties Instructions.*

*His Lordship declaring that my Lords of the upper House, for the saving of time, had thought fit to give this account to a Committee of both Houses, which hath occasioned the meeting at this Conference; and Election being made of the Earl of Bristol by the Lords Commissioners, he began his Narration, directed to the Lords of the upper House, and to the Knights, Citizens and Burgesses of the House of Commons: and thus the Earl of Bristol began;*

*That the Lords Commissioners intended not to look further back into the business, than the Acts of their own Employments.*


*They did intend to give no Account of the Pacification interrupted, nor War renewed; no Account how the Armies in England, Ireland, and by Sea were designed, nor of any occasion: They purposed not to lay fault upon any man, nor to enquire into the cause why the Scots (as they pretended from necessity) were drawn to enter this Kingdom, nor why the Kings Army, when Service was to be done, was out of the way; But that those through whose hands these have passed, might hereafter give their own Account.*

*His Lordship told us, That his Majesty was pleased to call his great Council at York, to whom he made two Propositions.*

*The first was, How his Army, which seemed to be in distress for want of Pay, should be relieved and maintained.*



To this, to shew their duties to the King, the Lords resolved to ingage themselves, and to that purpose to send chosen Deputies to London, to Negotiate a Supply.

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The Second Proposition was, That after the Scots had passed Northumberland, taken Newcastle, and possessed the Bishoprick of Duresm, they sent a Petition to his Majesty, which containeth, in general terms, a desire to have their grievances taken into consideration.

Which Petition and Answer thereunto was read unto us, and presented for our clearer understanding.

Upon receipt of his Majesties Answer, the Scottish Lords sent his Majesty a second Petition, directed in a Letter to the Earl of Lanrick, in which they made their particular demands, and declared, that, according to his Majesties command, they would advance no further; and this Petition was also read and delivered unto us, of which his Lordship desired that great Assembly to take especial notice, for that much of the future discourse would depend upon it.

The business thus stated at the great Council, the second proposition was, what answer should be made to that Petitionary Letter, and in what manner it should be carried; In which his Majesty required their Council.

Whereupon the Lords replied, that it was impossible for them to give any well-grounded advice, unless the true state of his Affairs, and the condition of his Army were laid before them.

Whereupon his Majesty commanded the Earl of Traquair, to make the Narration of the Scottish business, and their late Acts of Parliament, and the Lord Lieutenant general, to give an account in what condition the Army stood, and what was answered by my Lord Lieutenant, was read in his own words.

Besides this Declaration, the Earl of Bristol delivered upon a further enquiry, how the state of the business then stood:

That the Scots Army had passed Northumberland without resistance; that they had disputed the passage of the River of Tyne at Newburn, where our Horse retired in disorder; that his Majesties foot Army consisting of Twelve or Fourteen Thousand men in Newcastle, likewise retired to York, whereby the Town of Newcastle, a place of great consideration, was without one stroke stricken, fallen into the Scots hands, and the Bishoprick of Duresme drawn under Contribution.

That in this state, the Gentry of the Bishoprick repaired to Mr. Treasurer, who carried them to his Majesty, from whom they were referred to my Lord Lieutenant of the Army, who gave them this Answer positively; That they could look for no help nor protection from the King, and therefore they might use the best means they could to preserve their Lives and Estates. Whereby those distressed Provinces, the ancient Bulwarks of this Kingdom, full of brave and valiant men, being now fallen into the Power of an Army, which of necessity must live, were forced to consent to a Contribution by Treaty, and a very heavy one, though such without which the Scottish Army could not subsist.

The Agreement was 350 l. a day for the Bishoprick of Duresme, 300 l. a day for Northumberland, 200 l. a day for the Town of Newcastle, in all 850 l. a day; which, should it continue, would amount unto 300000 l. for one year.

These Gentlemen much lamented their Estates that the Scots should be irritated (as they call it) by being proclaimed Traytors.

His Lordship made a little digression, and asked leave to speak truth in such Language as the Scots had presented their state unto them: That having Proclamation made against them, being threatned with a great Army of  
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Thirty or Forty Thousand men; another of Ten Thousand out of Ireland, and by Parliament declared Traytors and Rebels, and having heard of another Army providing, of Eight or Ten Thousand by shipping to hinder their Trade, at least their Commerce with England, that they were drawn together by Necessity, as they pretended, of Defence; further alledging that it was a common discourse, of which they had seen papers, that they should be reduced into a Province, which would be but one Summers work; and therefore they having drawn their power together, as any Nation would do, and being assembled, and their Countrey being poor, taking the advantage of the time, and that all those Armies that should oppose them were out of the way, and those unfortunate Provinces left like a list of Cloth; they were forced to enter in England; that thus they had lamented, and thus the state stood before the Lords, when it was examined in the great Council.

Thus their Lordships found, that the Scots had increased their Confines near fourscore miles in England, and had passed the Rivers of Tweed and Tyne; and that the River of Tees the boundary of Yorkshire, (Durcism being possessed) was not to be defended, being fordable in many places by forty horse in Front; that if the Scots should pass that River, there was no possibility to hinder them from coming to York, or any part of England, without hazarding a Battel, which my Lord Lieutenant had declared unto them he would not advise, for though the Kings Army consisted of seventeen or eighteen thousand good bodies of men; yet being untrained and unused to Arms, he would be loth to hazard such an adventure upon them; but if they should advance to York, he might make good that City: This being the case as it was presented, my Lords advised his Majesty that they conceived the fittest way was, that the Scots and their Grievances might be heard.

And whereas their main complaint had been, that their Petitions to his Majesty had been conveyed by Conduits of an evil relish, that there might be chosen such Lords Commissioners, of whose integrity they could not doubt.

Whereupon, his Majesty was pleased to refer the choice of the Commissioners to the great Council, who made the Election with the Assent of his Majesty, to whom power was given, under the great Seal of England, to hear whatsoever the Scots would lay before them; and to enter into Treaty with them, and to give safe Conduits, and to do all things preparatory to a Treaty.

The first place of meeting was appointed at North-Allerton, but some inconveniencies being found, it was by consent transferred to Rippon.

For the inducement of this meeting, a Letter of the Lord Lanricks to the Scots Commissioners was read and given unto us.

The Treaty thus settled, the Lords to be employed receiving instructions from his Majesty, by the consent of the great Council; it was agreed they should Treat upon the whole business propounded by the Scots, and left to their discretion to Treat of a Cessation of Arms, as the ordinary fore-runner of all Treaties of Peace.

When their Lordships came to Rippon, the Cessation of Arms was the first proposed, but being entered upon it, the Scots Commissioners did let their Lordships know, that there was something necessary first to be done, that the Countries where they lay were become poor; that they could not think, as their Affairs stood, of returning home; that his Majesty had restrained them from passing further: so that a Treaty in this Exigent was worse than a War, unless means might be thought upon how they might subsist; and hereupon they did propound, that if it were expected that they made no further progress therein, obeying his Majesties Command, which nothing but invincible necessity should force them to transgress by plundering the Countries, they must have maintenance for their Army.

This



This motion seemed very strange to their Lordships, that it should be demanded to provide a maintenance for the Scots, when the Kings own Army was in great distress; yet the necessity seemed to be such on both sides, that the Lords appointed some of their Company to repair to the King at York, to acquaint his Majesty with the Scots demand.

Upon debate of the business, though it were of hard digestion to his Majesty, the Lords, and the whole Kingdom, that they, whose Ancestors had been called to advise upon the Ransome of Kings, should now come to consult how to maintain an Army got into our own Bowels; Therefore, their Lordships would not proceed without the knowledge of his Majesty and the great Council; where it was found necessary, not for maintaining the Scots Armies (for they might easily supply their own wants by plundering, in which course they might get a million, whereas five thousand pounds would serve but for two months) but to preserve the Countries from utter ruin, and the Scots from further advancing, to give to their Lordships Commission to Treat for a competency of maintenance during the Treaty.

The first demand was forty thousand pounds a month, which by Treaty was reduced thus: That instead of giving them any allowance, they should be left to their proportion of that contribution already agreed upon by the Counties, as less dishonourable than to assign them maintenance.

This point being thus settled, their Lordships proceeded to the Treaty of Sessions, and both were agreed and concluded, his Lordship proposing the Articles themselves to be read for more satisfaction.

His Lordship proceeded, that these preparatives being settled at Rippon, twenty miles from York, and the time far spent, and the Parliament approaching, their Lordships resolved to be humble suitors to his Majesty, that the general Treaty might be transferred to London, by consent of both parties thereunto agreeing.

Here his Lordship proposed the reading of a Letter, whereby this Translation of the Treaty was mov'd, which was done and delivered unto us.

To this Letter his Majesty made a Gracious Answer, and consented to Transfer the Treaty to London, where some of the Scots Commissioners are already arrived, and the rest within a day or two expected.

Their Lordships having proceeded in the Treaty as far as they could go, repaired to York, and both Articles concluded were read in his Majesties presence; and that they declared that they had in all things punctually observed their Instructions, whereupon his Majesty required them to give their Counsel, whether he should ratifie and sign these Articles or not.

To which the Lords made Answer, That they had served his Majesty in quality of Commissioners Ambassadors, and had duly observed their Instructions; but now he being pleased to ask their Advice, they would be glad to serve him according to their Consciences, and therefore besought his Majesty for leave to retire themselves, and consult of the business; to which his Majesty was graciously pleased to Consent.

Upon resolution, considering the great strait into which his Majesties Affairs were reduced, they concluded to advise his Majesty to sign, and craved leave to present unto his Majesty a Declaration of their reasons; which were accepted and read in the great Council.

And their Lordships held it necessary to be read again in that great Assembly, as the rest of their Council.

These reasons being read, his Majesty was pleased to ratifie the Articles in express words also read unto us.



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*His Lordship concluded this Narrative as the full account of the Treaty, and proceeding in it to his Majesties Ratification; and craved leave in the next place, to present the hard and woful condition in which his Majesties Affairs then stood in the North:*

*First, that by consent a Contribution of 850 l. a day was agreed.*

*That there was already some doubt that the Countries were not able to bear it.*

*On the other side, it was objected by the Scots, that it was impossible if the payment should fail, to keep their promise, or to obey his Majesty, but that they should be necessitated against their will to plunder the Countrey.*

*These doubts considered, it was declared by my Lord Lieutenant, that the Counties of Cumberland and Westmerland being at pleasure under the Scots power, it was reasonable that in subsidium they should contribute some help to their Neighbours: But he declared since their Lordships coming away, the Commissioners left at Duresme had written, that it was impossible for them to proceed in the agreement; which if it were broken on their part, the Scots would alledge an impossibility to consent to starve; so that if some means were not found, by which those Counties engaged might be relieved, he was affraid all their labour and Treaty would come to nothing: and this Letter was read and presented unto us.*

*His Lordship represented, that the Commissioners and all the Lords had engaged themselves faithfully and truly to declare to the Parliament the distresses of the Counties.*

*He declared that it was far from their Lordships purpose to move any supply of money from the House of Commons, but to lay the cause before them, and to leave it to their wisdom; averring certainly that if some course were not taken, the whole Kingdom would be put into disorder; Armies would not starve, retiring was not yet as he thought in the thoughts of the Scots: Therefore they must plunder and destroy, or advance into Yorkshire, and so into England to seek subsistence; the prevention whereof did highly import the King and Kingdom.*

*His Lordship proposed another, no less worthy of consideration to the whole Kingdom: But if the Scots Army were provided of a competency for the ease of those Counties, it were very strange there should not an equal care be had for maintaining the Kings Army that stands before them. He said the Scots Army was strong and powerful, and little other resistance against it, but the impediments of an Army marching in Winter: But whether it were fit for a Kingdom to be trusted to Accidents of Frosts, with a People bred in Suedeland and cold Countries, he left to their discretion.*

*His Lordship confessed, That the Scots had made great protestations, and with great execrations averred, that they had no intent to advance forward, but return when they shall have received satisfaction.*

*Yet their Lordships did not conceive that the Kingdom should relye upon promises or protestations.*

*Many Accidents might happen when a Nation, come from a far Country to a better, should be told the business they come about was just and their quarrel good; who finding themselves in a fat pasture, may pick quarrels with their Leaders, if they should go about to prevent them of the reward of their Vertue and Valour.*

*Upon these grounds his Lordship presented to the general consideration the Supply of his Majesties Army, that it be not disbanded; which if it should come to pass, Yorkshire and other parts of England were left to the Scots discretion.*

*His*



His Lordship said, He durst not say the Scots would not come forward, but that it was in their power if they would; and therefore he recommended this representation to the whole body of the Kingdom, to prevent further dangers.

He concluded with a Prayer to Almighty God, to direct the hearts of all the Kingdom, and to give a Blessing only able to remove the great distractions, so many and so grievous, as under which, since the Conquest, this Kingdom never laboured.

There were presented unto me two papers more, the one being Instructions from Newcastle to Sir Thomas Hope and others, concerning the Contribution; the other an Account of Arrears from the Eleventh of September to the Twentieth of November, which were all read unto us; nor do I know how or to what use to imploy them.

There was also a Proposition made of raising One Hundred Thousand Pound for the Relief of the Northern Parts and the Payment of the Army, to be levied rateably upon all the Counties of England, except the Northern Counties which were charged, or rather oppressed by the Contributions which the Scots forced them to pay for the maintenance of their Army, and it was also moved, That the Money should be taken up at Interest till such time as it could be levied.

The House took into Examination the Information about a Book intituled *The Jesuits Jubile* given in by Thomas Chude, and one Clay. Chude affirmed he had one of the Books in his Custody, and that he received it from one a Papist in Rotherhith, the Wife of one H. Groudwell a Cobler. That he delivered the said Book the same day to Sheriff Warner; that it contained in it, That the Papists should fish in Troubled Waters while the King was at War with the Scots, with Prayers in it for the Holy Martyrs that suffered in the Fleet sent against the Hereticks in England, 1639.

But whether the House look'd upon it as an idle and fictitious Pamphlet, (the Title rendring it suspected, the Jesuits being too cunning to discover their own Game among such tattling Customers as Coblers Wives) or whether they thought it scandalous to have it believed that the Papists had a secret and underhand management of our Divisions and Distractions, still remains a doubt; however there was no great stress laid upon this Information, nor so far as I can with all the curiosity I have used, find, any further Examination into the matter.

Upon Monday the Bishop of Lincoln was sent for to take his place in the House of Lords, his Majesty having signified by a Gracious Message, That in regard there was so much business to be done, his Majesty was willing there should be a full House, and therefore to pass by the offences formerly committed by the said Bishop.

This day a Petition was presented to the Commons from the Town of Southampton, which was referred to the Committee of Twenty Four, as also a Petition from one Snelling to the Committee of Religion.

There had been some Complaints against the Lord Cottington, who was Lieutenant of the Tower, into which some Soldiers had been put during the Kings Absence in the Expedition against the Scots, upon which the King who was resolved to try what could be done by the ways of Compliance, immediately cancels the Lord Cottington's Patent, and dismisseth the Soldiers; but it seems that was not satisfactory, for it was proposed that the King might be moved, that all things in the Tower might

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Money Proposed to be raised for the Army.

Saturday, November, 14. *Jesuits Jubile*, a Book Examined.

Monday, November, 16. Bishop of Lincoln restored to his place in the Lords House. Southampton Petitions. Lord Cottington displaced, from Lieutenant of the Tower of London.



John  
Nov 17

1640

Money for  
the Armies  
Counties to  
be excepted.

Tuesday,  
Nov. 17.

Fast, Burges  
and Marshall  
Preach.

be settled in the same condition as they were before his Majesty went into the *North*, and that the men of the *Hamblets* might do the Service as formerly, and be intrusted with Guarding of the *Tower*. So early did they begin to grasp at the Sword of Power, and the disposal of places of Trust; and to make one Gracious Concession of his Majesty only a step to advance to a higher demand.

From thence they proceeded to the business of raising Money, and upon the Question it was Voted, That the Counties of *Northumberland*, the Bishoprick of *Durham* and the Town of *Newcastle*, should be Exempted from paying any thing towards the Tax to be raised, but the Town of *Barwick* which had been a Garrison for the King against the *Scots*, and the County of *Tork*, which had given the King so great Assistance, and upon which the great burthen of the War had lain, though it was very much pressed by their Representatives, could not obtain the favour to be Exempted from the Tax which was to be raised.

This day the Lord *Willoughby* of *Eresby* was with the usual Solemnity in his Robes introduced into the House of Peers, and placed below the Lord *Strange*: his Writ of Summons bears date, 31. Oct. 16. Car. Regis.

This Day was the Solemn Fast, which was kept by the House of Commons, at *St. Margarets Church* in *Westminster*; where Mr. *Cornelius Burges*, and Mr. *Stephen Marshall* of *Finchingfield* in *Essex*, Preached and Prayed at least seven hours before them.

*Burges* took his Text, *Jer. 50. ver. 5. They shall ask the way to Zion with their faces thitherward, saying, Come and let us joyn our selves unto the Lord in an everlasting Covenant, that shall not be forgotten.*

*Marshall's* Text was, *2 Chron. 15. 2. The Lord is with you whilst you be with him, and if you seek him he will be found of you, but if ye forsake him he will forsake you.*

The scope and drift of both these Sermons was by consent between them levelled at the same Mark, which was a Holy-Covenant, which in the conclusion of their Epistle Dedicatory to the House of Commons, they affirm is the Sum of both the Sermons.

Now though the Discourses were delivered with Caution enough, yet in regard of the Solemn League and Covenant which had been taken in *Scotland*, and was afterwards imposed in *England* as a Religious and Sacred Band to bring about the Glorious Work of Reformation, with which they inveigled the Credulous and Easie, and that this very Scripture was abused to preface and countenance that Rebellious and Detestable Confederacy, it renders it, if not plain and manifest, yet most probably suspicious, that notwithstanding all the fair pretences with which they covered their Designs, they were now possessed with those Resolutions of Reforming after the model of *Scotland*, by Extirpation of Episcopacy Root and Branch.

And in regard it contains the very Essence and Foundation of all the Reasonings of the Dissenting Party, and was the Groundwork of their Covenant, and all those wicked and unchristian Practices by which they endeavoured to build their Second Babel of Reformation, which God himself was pleased to confound, as he did the first by dividing their Tongues, into so many Sects of Independents, Anabaptists, Quakers, &c. I will give the Reader the trouble of reading two or three Paragraphs of Mr. *Burges* his Sermon. Pag. 52. coming to the Applicatory part of his Discourse having shewed that the *Jews* never made any progress in building the Temple and City, notwithstanding their Fasting and Prayers



ers till they entred into a Covenant, Let us now (saith he) reflect upon our selves and the State of Religion, and progress of Reformation in our own Church that we may make up the Paralell.

Some beginnings of our Deliverance from Babylon we received by King Henry the Eighth, for he threw out the Pope. His Son King Edward the Sixth came after, and cast out Popery in the Body and Bulk of it. A great work and a large step for the short time of his Infant Reign, and indeed he had many excellent helps tht way besides the Zeal of his own pious heart, an excellent Archbishop, a prudent and vigilant Protector, besides others; else he could never have done so much. Notwithstanding the Potency and Secret Underminings of those mighty Factions then prevailing, hindred the Work not a little, so that it exceeded not an Infant-Reformation; yea through the immature death of that Josiah it soon proved abortive.

The Princess that came after, quickly turn'd the Tyde before it was half high water: and she set all the Gates wide open again, both for the Pope and Popery to re-enter with Triumph, and to drink drunk of the Blood of our Ancestors, till God discharged her, and released his People from her Cruelty.

So that when Queen Elizabeth (that glorious Deborah) mounted the Throne, although her heart was upright and loathed the Idolatry of the former Reign, yet found she work enough to restore any thing at all, and to make any beginnings of a Reformation. She soon felt when she would have pluck'd up Popery both Root and Branch (superfluous Ceremonies and all remaining raggs of Superstition as well as Gross Idolatry) that she had to do with a Hydra, having such a party of stout Popelings to grapple with at home, and such potent and dangerous Abettors of them to cope withal abroad. I need not name them; I might add hereunto some difficulties arising from the Interest and Engagement of not a few of those (though good and holymen) that underwent voluntary Exile in the Heat of the Marian Persecution, who while they were abroad had a large share in the Troubles at Frankford, (too eagerly perhaps persuing the English Forms of Worship and Discipline) and so when upon their return they were advanced to Places of Dignity and Government in the Church, they were the more apt and forward to maintain and hold up that Cause wherein they had so far appeared, and for which some of them with more heat than Charity, had so openly declared themselves in Foreign Parts. And so what by one Impediment and what by another, we see it hath been a long time ere our Reformation can be thoroughly polished and perfected as were to be wished and desired; \* For there is nothing so perfect here but is capable of more perfection.

\* What must then become of Presbyterian Government.

Nay so far are we become now from going forward with the Work, notwithstanding the Piety and Care of our Princes since the last Restitution of Religion in this Kingdom, that (as it was in Josiah's time, though his own heart were for God, yet there was a Pack of rotten men both Priests and People, very great pretenders to Devotion, but indeed mad upon Images and Idols) we begin to fall quite back again, and not only to Coast anew upon the brinks of Babylon, from whence we were happily delivered, but even to launch out into her deepest Lakes of Superstitions and Idolatry under pretence of some extraordinary Piety of the Times, and of some Good Work in hand.

What is the reason of all this, but that not so much as once since the first beginning of Reformation of Religion in this Island, we never (for ought I know) entred into such a Solemn Publick Universal Covenant to the Lord as he requireth for those beginnings already givenus, but have sate loose from God, and so have not joyned together as one man zealously to propugne his Truth and Ordinances, and to stand by him and his Cause as becomes the



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People of God in all just and warrantable ways, against all Opposers and Gainsayers.

And lest I should too much set the Readers Teeth on Edge with these four Grapes which our Fathers were treated with, and we are not yet freed from the Effects of, I will Endeavour to present him with something which it may be may force a smile even from the most serious, and that is some of the odd motives he made use of to persuade them into this Covenant.

The First was from the Consideration of former Deliverances, where he intimates also some new Plot in Order to foment those necessary Fears and Jealousies; to oblige them to enter into a Covenant: *You cannot be Ignorant of the many murmurs and more than whisperings of some desperate and devilish Conception suspected to be now in the Womb of the Jesuitical Faction, therefore it becomes you above all others, to be first in a Covenant.*

Secondly, *That till they did this there could not be such a full enjoying of God as otherwise there might be, and we might have much more of God even in this Life than now we have, if we could be persuaded to such a Covenant with him.*

Thirdly, *Consider that what ever Work God calls you to, you will never buckle throughly to it till you have entred into Covenant with him.*

Fourthly, As if he were resolved to to verifie that of the Poet, *Flectere si nequeo superos, Acheronta movebo*, he draws Arguments for Covenantning from Wicked Men and Devils; for (says he) *Wicked Men stick not at a Covenant with Death and Hell,*

Nay Fifthly, *Consider (saith he) That the Devil himself will have a Covenant from all his Vassals that expect any extraordinary matters from him. There is not a Witch that hath the Devil at her beck, but she must Seal a Covenant with him sometimes with her blood, &c.*

The Truth is, considering, That Sacred Truth has informed us that Rebellion is as the Sin of Witchcraft, and how this Covenant was afterwards Sealed with Blood, and sucked the blood, the very heart blood of the Nation, he could not have hit upon a more proper motive to Encourage a betwitched People to enter into it. But I believe he might have other Apprehensions than afterwards fell out, when this Reformation proved to be a most horrid Rebellion.

I have been the more large in this because it will give the Reader the Picture of the Genius of that Age and those People in *Miniature*, and to shew him what Liberties those great Admirers of Preaching, took to abuse that Ordinance, making use of the Pulpit as a Fatal Engine to blow up the Church and Ruin the State; as also to shew him the confidence of these men who durst thus publicly contrast the most Notorious and Evident matters of Fact in the Reformation. For it is beyond all the Power of contradiction a matter of the greatest Truth, that Queen *Elizabeth* was under none of those Impediments, especially in the latter part of her Reign, after she had so baffled the *Spaniards* and brought down the Papists, that she held the Ballance of *Europe* in her hands; and as her Reformation was begun and advanced by all the Regular steps of Deliberation and Wisdom, and acknowledged by all Foreign Divines, the most Perfect and the Glory of all the Reformed Churches, so was it confirmed by all Successive Parliaments during her Reign, and she whom he calls our *Deborah*, was so far from esteeming the Rites and Ceremonies of the Church and the Government of it, as he terms them *Rags of Superstition*, that she Enacted the most Rigorous Laws imaginable;



nable; witness that 35. *Eliz.* against those of Mr. *Burges* his Persuasion, then called *Puritans* and *Seditious Sectaries*, who were even then endeavouring to undermine the Foundations of the Church; nay some of them as *Penry* who wrote *Martin Mar-Prelate*, *Coppinger*, *Hacket* and *Arthington*, Suffered as Malefactors against the Peace of the Church and State, as may be seen in the Annals of that great Queen.

Nor was the Established Religion only to be Affronted before the Commons but before the Lords, for the Bishop of *Carlisle* and the Bishop of *Durham* Preaching before the Lords in the *Abby-Church* at *Westminster*, as the Second Service was Reading at the Communion-Table, a Psalm was Sung, so that he who Officiated was forced to desist, to prevent some greater Inconvenience, Tumult and Disorder.

These were the beginnings, and thus was this Solemn Fast and Humiliation carried on, and doubtless much good was to be expected from this management of the Service of the God of Order, with these jarring Discords and Confusions, Affronting the Laws and the King himself, who is *Custos Utriusque Tabulae*, the Great Defender of both the Laws which concern God and Man.

However either *pro forma*, or because the Discourses were suited to the Designs on Foot, the Commons after Sermon returned to their House, and Voted Thanks to Mr. *Burges* and Mr. *Marshal*, for their Pains, and desired them to Print their Sermons, and to Encourage them for the future they had each of them a piece of Plate bestowed upon them by the Order of the House out of the Charity Money, which was gathered from the Members at the Communion upon Sunday, 29.

wednesday, November, 9.

Nor was the Zeal of these Pulpiteers ineffectual, for the day after the House of Commons fell into a very warm debate about the Book of Canons at a Committee for Religion, and Mr. *Selden*, Sir *Tho. Widdrington* and Mr. *Whistler*, were Ordered to get the Warrants, by which the Convocation was held after the Parliament, and the Letters Patents of the Benevolence.

Now in regard they made so great a part in the Transactions of that time, I have here inserted the Copy of them.

A Grant of the Benevolence or Contribution to his Most Excellent Majesty, by the Clergy of the Province of Canterbury: in the Convocation or Sacred Synod holden at London, Anno Dom. 1640.

The Grant of Benevolence by the Clergy in the Convocation, 1640.

*Augustissimo & Serenissimo Domino nostro Carolo D. G. Angliæ, Scotiæ, Franciæ & Hiberniæ, Regi Fidei Defensori, &c. Guilielmus Providentia divina Cant. Archiepiscopus, totius Angliæ Primas & Metropolitanus, propensissimam Subjectionem & Obedientiam ac in eo qui est Rex Regum & Dominus Dominantium summum Fælicitatem. Serenissimæ vestræ Majestati per publicum hoc instrumentum testatum facimus; Quod Prelati & Clerus Provinciæ nostræ Cant. in Convocatione sive sacrâ Synodo Provinciali auctoritate Brevis vestri Regii ad nos dati in Domo Capitulari Ecclesiæ Cathedralis Sancti Pauli London decimo quarto die mensis Aprilis Anno Domini millesimo sexcentesimo quadragesimo (ex continuatione & prorogatione ejusdem) inchoatâ & celebratâ, ac de die in diem usque ad & in decimum sextum diem instantis Mei Anno prædicto ante meridiem etiam continuatâ in Ecclesia Collegiata beati Petri Westminsteriensis eodem decimo sexto die presentis mensis*



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*mensis legitime congregati, pro quibusdam arduis & urgentibus causis per nos ejusdem Provinciae Clero propositis, ac inter eos sedulo pensatis, quandam Benevolentiam sive Contributionem, magnificentiae vestrae Regiae spontaneo unanimique consensu dederunt & concesserant prout tenore hujus publici Instrumenti plenius liquet, Majestatem vestram suppliciter obnixèque rogantes ut hanc eorum Concessionem benigne accipere ac æquibonique consulere dignemini. Tenor vero prædictæ concessionis de verbo in verbum sequitur, & est Talis.*

**M**OST Excellent and Most Gracious Sovereign Lord, We your Majesties Faithful Subjects, the Prelates and Clergy of the Province of *Canterbury*, being called together by Authority of your Majesties Writ, and at this present being lawfully Assembled in a Provincial Synod or Convocation, well weighing and maturely considering with themselves that great and bounden duty which by the Rules of the Sacred Scripture, they do owe to your Gracious Majesty their Sovereign Lord, especially for your constant Defence of the Faith, and Protection of Christs Holy Church amongst us, by the maintenance of the Happy Government thereof, together with the continuance of the sincere Preaching of the Gospel. And moreover as Obedient Subjects, well weighing the singular Care which your Majesty hath for the well Guiding and Governing of all the People which is by God committed to your Charge. And not forgetting those great Expences whereat your Majesty now is, and hereafter is more likely to be, as well for the honourable sustentation of your Royal Estate at home and the necessary Defence of this your Realm, as also for the effectual furtherance of your Majesties most Royal and Extraordinary Designs abroad, have with one agreement and unanimous consent given and granted, and by these presents do Give and Grant to your Majesty, your Heirs and Successors, one Benevolence or Extraordinary Contribution of four Shillings in the Pound Yearly, during the space of six Years next ensuing the date hereof, by two severall payments in every of the said six Years by even and equal portions in name and form as here followeth; That is to say that every Archbishop, Bishop, Dean, Archdeacon, Provost, Master of a Colledge, Prebendary, Parson, and Vicar, and every other person and persons of what name or degree he or they be within the Province of *Canterbury*, having or enjoying any Spiritual Promotion or other Temporal Possession to the same Spiritual Promotion annexed, now not divided nor separated by Act of Parliament or otherwise from the possession of the Clergy, shall pay to your Majesty your Heirs and Successors, for every Pound that he may yearly receive and dispend by reason of the said Spiritual Promotion the sum of four shillings yearly, for every of the said six years. And for the true and certain value of all the said Promotions and every of them, whereof the payment of this Benevolence or Contribution shall be made, the Rate, Taxation, Valuation and Estimation now remaining upon Record in your Majesties Court of Exchequer, for the payment of a perpetual Disme or Tenth granted unto King *Henry* the Eighth of worthy memory in the six and twentieth year of his Reign, concerning such Promotions as now be in the possession of the Clergy, shall only be followed and observed, without making any other Valuation, Rate, Taxation or Estimation, than in the Record is comprised.



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Provided always, That forasmuch as the Tenth Part of the said Rate and Valuation is yearly paid to your Majesty for the said perpetual Disme or Tenth, so as there remaineth only Nine parts to the Incumbent clear; this present Benevolence or Contribution of four shillings in the pound shall be understood and meant only of every full pound of the said nine parts, and nothing for any other money not amounting to a full pound. And your Prelates and Clergy do also grant, That this present Benevolence or Contribution of four shillings of the full pound of the nine parts of the yearly value of every Spiritual Promotion aforesaid, which in the said Province Taxed as aforesaid, shall be paid to your Majesty, your Heirs and Successors, in manner and form following, That is to say, the first payment of the said Benevolence or Contribution in every of the said six Years next following to be due upon the first day of *November*; and the second payment to be due the first of *May*, in every one of the said six Years as afore is said, to be delivered and paid to the Lord High Treasurer or Under-Treasurer of *England*, or to such person or persons as your Majesty, your Heirs and Successors shall appoint for receipt thereof, to the Use of your Majesty, your Heirs and Successors, according to the several times of payment above specified and at such place and places as it shall please your Majesty, your Heirs and Successors to appoint for the payment of the same, without any deduction, saving of six pence of every pound for the Monition or Citation, Collection and Portage, Safe Conveying and Attendance in paying of the said Benevolence or Contribution, and without any manner of Charge of the Accomptant, saving three shillings four pence for the General Acquittance for every one of the Payments of the said Benevolence or Contribution.

Provided always, That no person which at this present is, or hereafter shall be in Composition with your Majesty, your Heirs or Successors, for the first Fruits of any Benefice or Promotion shall be contributory, or charged for the same Benefice or Promotion to your Majesty, your Heirs or Successors, with any part of the said Benevolence or Contribution during the first year after the time of any such compounding for his first Fruits.

Provided also, That all Deans, Arch-deacons, Dignities, Masters, Wardens, and Prebendaries of all Cathedral and Collegiate Churches and Colledges, or any of them within the said Province shall be charged with this Benevolence or Contribution for those Possessions, Revenues and Promotions only, which to their several Promotions, Dignities and Rooms are clearly and distinctly limited, and to their only Use severed, thereof to pay (the tenth part being deducted) for every and each of the said payments in manner and form as is above rehearsed. And that all those Rents, Possessions, Profits, Portions, Hereditaments, and Spiritual Promotions, and every of them heretofore by your Majesty, or any of the Kings and Queens of this Realm, or any other person or persons whatsoever given, granted, bequeathed, devised, or impropriated unto the Cathedral or Collegiate Churches or Colledges, or to any of them which any ways be assigned, imployed, or used either for or toward the yearly maintenance of Readers of Divinity, School-masters, Ushers, Grammarians, Petti-Canons, Conducts, Vicars-Choral, Singing-men, Choristers, Vergers, Sextons, poor-men, or of any other necessary or daily Officers or Ministers in such Cathedral or Collegiate Churches or Colledges, or any of them, or for and towards the re-edifying or repairing of any of the same Cathedral or Collegiate

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Collegiate Churches or Colledges, or any of them, or for and towards the Reedifying or Repairing of any of the same Cathedral or Collegiate Churches or Colledges, shall not in any of the said six years be charged with any part of this Benevolence or Contribution.

Provided always, That every Parson, Vicar, or other Spiritual person paying any Pension whereof no allowance is made in the valuation of his Promotion or Benefice, shall and may retain to his own Use and relief so much of every pound of every such Pension for every payment of this Benevolence or Contribution as he standeth charged by this Grant to pay for every part and payment of this Benevolence and Contribution out of every pound for the whole valuation of his spiritual Promotion any Covenant, Grant or Bond to the contrary notwithstanding.

Provided also, That this Benevolence or Contribution or any part thereof shall not be demanded or levied out of any Benefice, house of Students, or Colledge situate or set within either of the Universities of *Oxford* or *Cambridge* or any Benefice, Lands, or other Revenues unto the said Universities or either of them, or to any house of Students, or Colledge in any of the said Universities united, appropriated, or appertaining, or out of any Benefice, Lands or Revenues of the Colledge of *Windsor*, or of the Colledge of *Windsor*, or of the Colledge of *Eaton* near *Windsor*, or of the Colledge called *St. Mary*, Colledge by *Winchester*, founded by *William Wickham* sometime Bishop of *Winchester*, or of any Hospital, Alms-houses, Grammar schools, or any Church Benefice, or other Revenues to the said Colledges, Hospitals, Alms houses, or Grammar-schools or to any of them annexed, appropriated, or otherwise appertaining.

Provided always, That all Parsons, Vicars, and all other Ecclesiastical persons whose Benefices are not above six pounds thirteen shillings and four pence by the year after the Taxation aforesaid, shall not be charged with this Benevolence or Contribution, or any part of the same.

Provided also, That every Vicar whose Benefice is Eight pounds or above, and not above Ten pounds by the year according to the Taxation aforesaid, shall pay unto your Majesty, your Heirs and Successors, Six shillings and eight pence at every payment afore-limited of the said Benevolence or Contribution at such times, and to such persons as is aforesaid for his part of the said Benevolence or Contribution: and if any Vicaridge be under Eight pounds by the Taxation aforesaid, the incumbent shall not be charged with any part or payment of the said Benevolence or Contribution.

And we your said Prelates and Clergy, most humbly beseech your most Excellent Majesty to take in good part our loving minds and hearty good wills herein, and to accept of the small gift of ours, though it be nothing answerable to our good desires, and yet according to the best of our poor Abilities.

‘In quorum omnium & singulorum præmissorum fidem & testimonium,
 ‘Nos *Gulielmus* providentia divina *Cantuariensis* Archiepiscopus ante dictus
 ‘hoc præsens publicum Instrumentum ad humilem Rogatum Prælatorum &
 ‘Cleri nostræ *Cant.* Provinciæ prædictæ, sigilli nostri Archiepisc. appensione
 ‘ac signo nomine & subscriptione *Sacvilli Wade* Notarij publici deputati
 ‘*Willielmi Sherma* Regis trarij nostri principalis, jussimus & fecimus com-
 ‘muniri. Datum in Ecclesia Collegiata divi *Petri Westmonasteriensis*, dicto
 ‘decimo sexto die mensis *Maij* Anno Domini Millesimo, sexcentesimo,
 ‘quadagesimo. Regnique vestri felicissimi decimo sexto; & nostræ transla-
 ‘tionis Anno Septimo.

‘Et

‘ Et ego *Sacvillus Wade* in *Dioecesi* *Roffensi* natus, publicus *suprema*
 ‘ *Regia* *auto* *ritate* *Notarius*: Quia *Benevolentiae* *sive* *Contributioni* *præ-*
 ‘ *dictæ* *concessioni* *cæterisque* *præmissis* *omnibus* & *singulis* *prænotatis*, *dum*
 ‘ *fic* (*ut* *præmittitur*) *expediebantur* & *fiabant*, *una* *cum* *præfato* *Reveren-*
 ‘ *dissimo* *patre* & *cæteris* *patribus* *Cantuariensis* *Provinciae* *in* *eadem* *Sacra*
 ‘ *Synodo* *sive* *Convocatione* *congregatis*, *præfens* *personaliter* *interfui*, *eaq;*
 ‘ *omnia* *fic* *fieri*, *geri* & *expediri*, *vidi*, *scivi* & *audivi*, *atque* *in* *notam* *sumpsi*.
 ‘ *Ideo* *hoc* *præfens* *publicum* *Instrumentum*, *tenorem* *concessionis* *Benevolen-*
 ‘ *tiae* *sive* *Contributionis* *prædictæ* *in* *se* *continens*, *manu* *alterius*, (*me* *interim*
 ‘ *alijs* *impedito* *negotijs*) *fideliter* *scriptum* *exinde* *confeci*, *subscripsi* &
 ‘ *publicavi*: *atque* *in* *hanc* *publicam* & *authenticam* *formam* *redegi* *signo-*
 ‘ *que* *nomine*, *cognomine* & *subscriptione* *meis* *solitis* & *consuetis*, *una* *cum*
 ‘ *appensione* *sigilli* *præfati* *Reverendissimi* *patris* *signavi*, *in* *fidem* & *testi-*
 ‘ *monium* *omnium* & *singulorum* *præmissorum* *iussus* & *requisitus*.

‘ *Ordinationes* *sive* *Canones* *Ecclesiastici* *in* *Sacra* *Synodi* *prædicta* *facti*
 ‘ *pro* *levatione* & *Collectione* *Benevolentiae* *sive* *Contributionis* *voluntariae*
 ‘ *antedictæ* *una* *cum* *cenfuris* & *pœnis* *Ecclesiasticis* *contra* *non* *solventes*, *vel*
 ‘ *solvere* *recusantes*.

‘ *Ordinationes* *aliquot* *Synodales* *factæ* *vicefimo* *primo* *die* *mensis* *Maii*
 ‘ *Anno* *Domini* *millesimo* *sexcentesimo* *quadragesimo*, *per* *Reverendissi-*
 ‘ *mum* *in* *Christo* *patrem* & *Dominum*, *Dominum* *Guilielmum* *Divina* *Pro-*
 ‘ *videntia* *Cant.* *Archiepiscopum*, *totius* *Angliæ* *Primates* & *Metropolita-*
 ‘ *num*, *aliosque* *Prælatos* *Provinciae* *Cantuar.* *secum* *sedentes*, & *per* *reliquum*
 ‘ *clerum* *inferiorem* *in* *Sacra* *Synodo* *infra* *Ecclesiam* *Collegiatam* *Divi*
 ‘ *Petri* *Westmonaster.* *pro* *collectione* & *solutione* *cujusdam* *Benevolentiae* *seu*
 ‘ *voluntariae* *Contributionis* *quatuor* *solidorum* *in* *qualibet* *libra*, *serenissimo*
 ‘ *Domino* *nostro* *Carolo* *Dei* *Gratia* *Angliæ*, *Scotiæ*, *Franciæ* & *Hiberniæ*
 ‘ *Regi*, *fidei* *Defensori*, &c. *per* *eosdem* *Archiepiscopum*, *Prælatos* & *clerum*
 ‘ *in* *dicta* *Synodo* *congregatos* *decimo* *sexto* *die* *mensis* *Maii* *prædicti* *concessæ*

‘ *Quum* *nos* *Guilielmus* *providentia* *Divina* *Cantuar.* *Archiepiscopus* *totius*
 ‘ *Angliæ* *Primas* & *Metropolitanus*, *Episcopi*, *Prælati* & *clerus*, &c. *in* *Sacra*
 ‘ *Synodo* *provinciali*, *sive* *Prælatorum* & *cleri* *eiusdem* *Cantuar.* *Provinciae*
 ‘ *Convocatione* *in* *Ecclesia* *Cathedrali* *Divi* *Pauli* *Londini*, *decimo* *quarto*
 ‘ *die* *mensis* *Aprilis* *ultimo* *præteriti* *inchoata* & *celebrata*, *ac* *de* *tempore* *in*
 ‘ *tempus* *ex* *causis* *urgentibus* *ad* *Ecclesiam* *Collegiatam* *Divi* *Petri* *Westmo-*
 ‘ *naster.* *ac* *ibidem* *de* *diebus* *in* *dies* *continuata*, *congregati*: *post* *multa*
 ‘ *ibidem* *per* *nos* *tractata*, *die* *Sabbathi* *decimo* *sexto*, *viz.* *die* *mensis* *Maii*
 ‘ *supradicti* *quandam* *benevolam* *Contributionem* *quatuor* *solidorum* *pro*
 ‘ *qualibet* *libra* *Augustissimo* & *Potentissimo* *Regi* & *Domino* *nostro* *Ca-*
 ‘ *rolo*, &c. *concefferimus* *ex* *Beneficiis* & *proventibus* *nostris* *Ecclesiasticis*
 ‘ *colligendam* & *levandam* *infra* *sexennium* *proximum* *persolvendum* *singu-*
 ‘ *lis* *viz.* *annis* *durante* *illo* *sexennio*, *modo*, *forma*, *diebus*, *ac* *sub* *cautionibus*
 ‘ & *conditionibus* *in* *quodam* *instrumento* *publico* *inde* *confecto*, & *sigillo*
 ‘ *Archiepiscopali* *Cantuar.* *munito* *Dat.* *dicto* *decimo* *sexto* *die* *mensis*
 ‘ *Maii* *plenus* *liquet*.

‘ *Quumque* *idem* *serenissimus* *Dominus* *noster* *Rex* *per* *litteras* *suas* *Pa-*
 ‘ *tentes* *sub* *magno* *sigillo* *Angliæ* *facultatem* *huic* *Sacrae* *Synodo* *concefferit*
 ‘ *non* *modo* *Canones* *Ecclesiasticos* *ordinandi*, *pro* *commodiore* *Ecclesiæ* *Ang-*
 ‘ *licanæ* *regimine*, *sed* *etiam* *de* *alijs* *quibuscunque* *rebus* & *negotijs* *tractandi*
 ‘ *atque* *decernendi* *per* *ipsum* *Dominum* *Regem* *eidem* *Synodo* *sub* *signetto*
 ‘ *suo* *transmissis* *vel* *transmittendis*, *sub* *quo* *signetto* *litteris* *suae* *Majestatis*
 ‘ *dati* *vicefimo* *die* *instantis* *mensis* *Maii* *dictus* *serenissimus* *Dominus* *Rex*

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præcepit monuitque, ut ad Canones & Synodales ordinationes pro collectione & levatione dictæ Contributionis faciendos atque ordinandos pro-
cederemus.

Ut igitur supradicta nostra Concessio faciliorem & magis expeditum consequi possit effectum; utque omnes & singulæ pecuniarum summæ per nos singulis dicti sexennii annis concessæ certius & commodius colligantur, ac terminis & locis suis ad usum Dom. nostri *Caroli* persolvantur, statui-
mus, ordinamus, & volumus, quod dicta Contributio ab omnibus & singulis personis Ecclesiasticis *Cantuar.* provinciæ quæ vigore dictæ Concessio-
nis contribuere tenentur, per Collectores idoneos ad hoc per suos Dioce-
sanos seu sede vacante per Decanum & Capitulum singulis annis per dictum
sexennium deputandos modo & forma sublequentibus levetur & colliga-
tur.

Item, autoritate præsentis Convocationis sive Synodi ordinamus & sta-
tuimus quod ante primum diem mensis Augusti anni qui in dictum sexen-
nium incidet, Reverendissimus pater *Cant.* Archiepiscopus, omnesque &
singuli dictæ *Cantuar.* provinciæ Episc. Diocesani & sede Episcopali vacan-
te Decanus & Capitulum Collectores idoneos in omnibus locis exemptis,
& non exemptis in singulis suis respectivè Diocesibus ad dictam Contri-
butionem & quamlibet ejus partem modo, forma, & terminis intra expressis
debite levandam & colligendam juxta eorum arbitria & sanas discretion-
es per literas suas Patentes sigillis suis Episcopalibus, seu Capitularibus res-
pective munitas, annuatim constituent, ordinabunt & deputabunt, ac ipsos sic
deputatos, & eorum quemlibet si fuerint Ecclesiastici ad hujusmodi Colle-
ctionis officium suscipiendum per censuras Ecclesiasticas, viz. per suspensio-
nis, interdicti, aut Excommunicationis sententias, ac per sequestrationem
fructuum & proventuum, Beneficiorum aut dignitatum, ac alia juris re-
media, si hujusmodi onus subire recusaverint, coerceant & compellant.
Quod si dictus Archiepiscopus, Episcopus aliquis Diocesanus, vel sede
vacante Decanus & Capitulum laicam personam aliquam deputaverint,
talis sit istiusmodi persona laica pro qua dicti Archiepiscopus, Episcopus
aut Decanus & Capitulum respondere tenebuntur. De quorum quidem
Collectorum nominibus singuli Episcopi supradicti & Decani & Capitula
Reverendissimum Patrem *Cant.* Archiepiscopum ante primum diem mensis
Septembris singulis dicti sexennij annis debite & distincte certificare tene-
antur.

Item, quod Collectores hujusmodi quolibet dicti sexennij anno sic con-
stituti & deputati, constituendi vel deputandi hujus sacri Consilij autho-
ritate plenam habeant potestatem omnes & singulos infra suæ Collectionis
præcinctum hujusmodi Contributionis solutione onerandos, ante primum
diem quorumlibet mensium *Octobris* & *Aprilis* cujuslibet anni dicti sex-
ennij, vel personaliter vel in valvis Ecclesiarum & locorum pro quibus
hanc contributionem solvere tenentur, per apparitorem, vel apparitores
vel eorum deputatos in scriptis monendi ut pecuniarum summas per eos
solvendæ ante primum diem mensium *Novembris* & *Maij* tunc proxime
sequentium per dictum sexennium in aliquo loco vel locis publicis, com-
modis & usitatis per dictos Diocesanos, aut sede vacante per dictos Deca-
nos & Capitula assignandis infra Collectionis suæ limites plene & integre
solvant.

Item, volumus, concedimus & ordinamus, quod quilibet Collector, si
Ecclesiastica fuerit persona, ad hanc Contributionem vel aliquam ejus
partem colligendam deputatus aut deputandus, omnes & singulos huic
contributioni obnoxios, & personaliter, vel in valvis Ecclesiarum sive loco-

rum

rum pro quibus hanc contributionem solvere tenentur sufficienter monitos & comparere ad dies præstitutos & assignatos negligentes, vel non solventes seu solvere recusantes, aut ultra diem solutioni præfinitum differentes, per censuras Ecclesiasticas, Suspensionis, Excommunicationis, aut interdicti, vel per sequestrationem & venditionem fructuum ad plenam solutionem faciendam efficaciter compellendi & coercendi, ac etiam eisdem plene & integre solventes seu satisfaciētes, a quibuscunque Censuris, Sententiis & pœnis in ipsos & eorum quemlibet in ea parte promulgatis & inflictis absolvendi, ac quemcunque processum contra non comparantes aut non solventes per eos factum revocandi & relaxandi autoritate presentis Convocationis sufficientem habeat potestatem. Quod si Episcopus aliquis, seu sede vacante, Decanus & Capitulum, laicam aliquam personam ad hanc colligendam Contributionem deputaverit, ordinamus & statuimus quod ipse Episcopus, seu, sede vacante, Decanus & Capitulum dictas Censuras & pœnas infligendi & erogandi, easdemque relaxandi & revocandi autoritate presentis Synodi plenam habebunt potestatem.

Item volumus insuper, & presentis Convocationis autoritate decernimus, quod omnes & singuli Collectores (ut præfertur) deputati vel deputandi omnes & singulas pecuniarum summas collectas & levatas seu quas recipere potuerunt & negligenter omiserunt ante decimum quintum diem quorum libet Mensium *Decembris* & *Junii* infra dictum sexennium suis respective Episcopis sedibus plenis, & Decanis & Capitulis sedium vacantium sine aliqua monitione in ea parte eisdem collectoribus fienda sub pœna si fuerint Ecclesiastici suspensionis, Excommunicationis aut interdicti, ac per sequestrationem & venditionem fructuum suorum beneficiorum & dignitatum si opus fuerit per deprivationem per eosdem Episcopos sedibus plenis vel per Decanum & Capitulum sede vacante infligenda, totaliter & integre solvent, seu solvi curabunt ab eisdem Episcopis & Decano & Capitulo respective Quietancias idoneas pro summis hujusmodi solutis recipientes.

Provisio semper, quod quilibet Collector eisdem diebus quibus dictas summas ita ut præfertur collectas solvit, Diocesanum suum Episcopum sede plena, & Decanum & Capitulum sede vacante de nominibus ad dies præscriptos integre non solventium in scriptis certiores faciet, & per juramentum suum fidem præstabit quod ab illis summas debitas levare & colligere non potuerit neque possit licet diligentiam suam in ea parte adhibuerit, ac contra non solventes modo & forma præscriptis processerit, in eo casu volumus, quod hujusmodi Collector coram dicto suo Ordinario sede plena vel Decano & Capitulo sede vacante, ad fidem & Juramentum suum præstandum in ea parte admittatur. Et si nec auxilio & autoritate Episcopi, sede plena vel Decani & Capituli sede vacante, nec diligentia sua per Juris remedia superscripta Collector hujusmodi antedictos dies viz. decimum quintum diem mensium *Decemb.* & *Junii* cujuslibet anni prædictorum sexenniorum ab hujusmodi recusantibus, vel differentibus summas debitas integre; vel pro parte recuperare non possit: Volumus & Ordinamus quod dictus Collector vel totaliter vel pro ea portione quam recipere non potuit, exoneretur ac liber demittatur & acquietatur. Et quod Episcopus, sede plena vel Decanus & Capitulum sede vacante respective per Juramentam Collectoris ita certiorali, ad Reverendissimum Patrem *Cant.* Archiepiscopum nomina omnium non solventium, vel solvere differentium sub sigillo suo authentico Episcopali vel Capitulari, ante decimum quintum diem mensium *Januarii* & *Julii* singulis annis dicti sexennis transmittet sub pœna sequestrationis, suspensionis, vel privationis, arbitrio dicti Reverendissimi

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Patris cum concilio & consensu trium aliorum hujus Provinciæ Episcoporum, per eundem Reverendissimum Patrem ad hoc nominandorum & accersendorum infligendæ. Et quod tres Episcopi ita nominati & per literas privatas manu dicti Archiepiscopi subscriptas, acciti comparere & eidem Archiepiscopo assistere per omnia Juris remedia per dictum Archiepiscopum autoritate hujus Sacræ Synodi compelli possint.

Item volumus, Ordinamus, & Statuimus quod dictus Reverendissimus Pater omnes & singulos non solventes vel solvere differentes in dictis literis Certificatoriis dicti Episcopi, sede plena, vel Decani & Capituli sede vacante, nominatos, vigore hujusmodi Certificatorii, absque alia Citatione aut probatione, ab omnibus suis dignitatibus, Præbendis & Beneficiis pro quibus summas debitas non solverunt, private & amovere per Sententiam suam finalem, & definitivam, omni appellatione remota & præamotis & privatis decernendi & declarandi autoritate hujus Sacri Concilii provincialis plenam & sufficientem habeant Potestatem & autoritatem.

Item autoritate qua supra, volumus, ordinamus & statuimus quod omnes Provinciæ *Cant.* Episcopi, sedibus plenis, & Decani & Capitula sedium vacantium ante decimum quintum diem mensium *Februarii* & *Augusti* singulis annis dictorum sex annorum omnes pecuniarum summas, tam per ipsos Episcopos respectu Episcopatum, & per Decanos & Capitula intuitu Ecclesiarum Cathedralium sedium vacantium, quam Abatiis quibuscunque hujus Benevolæ Contributionis solutione oneratis, levatas & Collectas, cuicunque aut quibuscunque per serenissimum Regem *Domini Carolum* ad hoc assignando vel assignandis, sub suspensionis, Excommunicationis interdicti, fructuum sequestrationis & venditionis, vel, si opus fuerit privationis pœna, per dictum Reverendissimum Archiepiscopum cum consilio & consensu trium confratrum suorum hujus Provinciæ Episcoporum, tam contra dictos Episcopos, quam contra Ecclesias Cathedralis & singulas earundem personas hujus Contributionis solutione oneratas infligenda, integre solvent vel solvi curabunt, & dictum Archiepiscopum de integra summa soluta & de Acquietantia quacunque a receptore Regio, vel receptoribus Regiis sic assignando vel assignandis ante viceessimum diem dictorum Mensium *Februarii* & *Augusti* authentice una cum nominibus illorum omnium denuo a quibus summas debitas Colligere non potuerunt sub pœnis prædictis certificabunt, seu certificari curabunt, nisi fide dicto Reverendissimo Patri facta quod dictus Receptor, vel dicti Receptores summas solvendas per integrum quatrimum recipere distulerint vel distulerint, aut tales acquietantias tradere recusaverint vel recusaverint. Et quia res cum sico onere transire debet, ordinamus & statuimus quod si contingat dignitatum & Beneficiorum prædictorum possessorum quemcunque dicta contributione aut aliqua ejus parte non soluta ab hac luce migrare, cedere & privari, quod tunc & in eo casu non solum successores in Dignitatibus vel Beneficiis hujus contributionis solutione oneratis per supradicta omnia superius in hisce ordinationibus, provisæ remedia pro ultima solutione anni ultimo Elapsi solvere & satisfacere compellantur, verumetiam quod Executores & Administratores eorundem sic decedentium (si opus fuerit) & ipsimet resignantes cedentes & deprivati, juxta ratam portionem fructuum quæ ad manus suas eo anno pervenerit per omnia legitima Juris Remedia ad hujusmodi Contributionem, & quamlibet ejusdem portionem compelli possint.

Item, volumus, statuimus & ordinamus pro Efficaciori & Expeditioni hujus Contributionis collectione, quod Episcopi dictæ Provinciæ *Cantuar.* sede plena & Decanus & Capitulum sede vacante Dignitatum & Beneficiorum

orum illorum omnium qui ab hac luce (eadem Contributione aut aliqua
ejus parte non soluta) abierint, resignaverint cesserint, vel amoti & pri-
vati fuerint quamdiu eorum Beneficia vacaverint per sequestrationem &
venditionem fructuum & Emolumentorum talium Dignitatum & Bene-
ficiorum ita vacantium integram Contributionem vel quamcunque ejus
portionem non solutam levare & Colligere autoritate hujus Convocatio-
nis licite valeant & possint: quorum tamen Conscientias oneramus ut
satisfactione sequuta, quamprimum sequestrationes ob hanc causam inter-
positas revocent, & cum effectu relaxent.

Volumus etiam, & autoritate hujus Synodi decernimus & ordinamus,
quod a Censuris Ecclesiasticis vel Sententiis & Decretis Sequestrationum
quibuscunque supra provisus & per Collectores vel Episcopos sedibus ple-
nis, & Decanum & Capitulum sedium vacantium pronunciatis & promul-
gatis, nullus sit appellationi vel recusationi locus.

Item, volumus, ordinamus & statuimus, quod nullus Collector pre-
sentis Contributionis recipiet pro aliqua acquietantia fienda ultra quatuor
denarios nec pro Censuris ullis, aut Sententiis Suspensionis interdicti, vel
Sequestrationis, & Absolutione & relaxatione eorundem aut eorum cujus-
vis ultra summam duorum Solidorum: Et quod quilibet Collector infra
Præinctum suæ Collectionis autoritatem habeat compellendi Apparito-
rem & Apparitores ordinarios ejusdem Præinctus ad Monedos omnes &
singulos hujus Contributionis solutione oneratos, & onerandos, quoties
occasio aut necessitas postulabunt, cui apparitori, seu apparitoribus con-
cedimus unum denarium de singulis sex denariis in Concessione nostra
serenissimo Domino nostro Regi facta reservatis, pro Citatione, Monitione,
Collectione, & Solutione hujus Benevolentiae, seu extraordinariae Contri-
butionis.

Item, hujus Sacrae Synodi autoritate volumus & ordinamus, quod si
in posterum aliqua dubia, ambiguitates, difficultates, aut querelæ circa
has Ordinationes, vel aliquem earundem Articulum, aut circa modum aut
formam Collectionis hujus Contributionis oriantur tunc & in eo casu om-
nium hujusmodi dubiorum, ambiguitatum & difficultatum aut querelarum
interpretationes & Declarationes fiant per Reverendissimum in Christo
Patrem Archiepiscopum *Cantuar.* Dominos Episcopos *London. Winton.*
Sarum. Elien. & Roffen. pro tempore existente, aut duos eorundem, quo-
rum idem Reverendissimus Pater sit unus, cujus quidem Reverendissimi
Patris interpretationi & Declarationi, ut prefertur, fiendæ, omnino stare
& acquiesci Autoritate qua supra decernimus & ordinamus.

Proviso tamen semper, quod propter sententiam suspensionis in Curia
Camerae stellatæ jampridem latam contra *Johannem* Episcopum *Lincoln.*
dicta sedes *Lincoln.* quoad hanc rem pro sede vacante reputabitur adeoque
totius circa presentem concessionem onus, omnisque ejusdem exequendi &
expediendi cura atque potestas, quantum ad omnes & singulas clausulas
in supra recitalis Canonibus comprehensas, non in ipsum Episcopum, nec
in Metropolitanum, sed in Decanum atque Capitulum Ecclesiæ *Lincoln.*
vigore presentis Decreti devolvetur durante dicta suspensione ejusdem
Episcopi.

1640.

The Canons
made in the
Convocation
1640.

The Book of Constitutions and Canons Ecclesiastical made in the Convocation 1640. together with his Majesties Confirmation of them were as followeth :

C H A R L E S by the Grace of God King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. To all to whom these presents shall come Greeting.

WHEREAS our Bishops, Deans of our Cathedral Churches. Arch Deacons, Chapters and Colledges and the other Clergy of every Diocess within the severall Provinces of Canterbury and York, being respectively summoned and called by virtue of our severall Writs to the most Reverend Father in God, our right trusty and right well-beloved Counsellor William by divine providence Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and to the most Reverend Father in God our right trusty and well-beloved Counsellor Richard, by divine Providence Lord Arch-bishop of York Primate and Metropolitan of England respectively directed bearing date the Twentieth day of February in the fifteenth year of our Reign, to appear before the said Lord Arch-bishop of Canterbury in our Cathedral Church of St. Paul in London, and before the said Arch-bishop of York in the Metropolitan Church of St. Peter in York the 14th day of April then next ensuing, or else whereas they respectively should think most convenient to treat, consent, and conclude, upon certain difficult and urgent Affairs contained in the said Writs; Did thereupon at the time appointed and within the Cathedral Church of St. Paul, and the Metropolitan Church of St. Peter aforesaid Assemble themselves respectively together, and appear in severall Convocations for that purpose according to the said severall Writs before the said Lord Arch-bishop of Canterbury, and the said Lord Arch-Bishop of York respectively. And forasmuch as we are given to understand, that many of our Subjects being misled against the Rites and Ceremonies now used in the Church of England, have lately taken offence at the same, upon an unjust supposal, that they are not only contrary to our Laws, but also introductive unto Popish Superstitions, whereas it well appeareth unto Us upon mature consideration, That the said Rites and Ceremonies which are now so much quarrelled at, were not only approved of, and used by those learned and Godly Divines to whom at the time of the Reformation under King Edward the Sixth, the compiling of the Book of Common-Prayer was committed (divers of which suffered Martyrdom in Queen Maries days) but also again taken up by this whole Church under Queen Elizabeth, and so duely and ordinarily practised for a great part of her Reign (within the memory of divers yet living) as that it could not then be imagined that there would need any Rule or Law for the observation of the same, or that they could be thought to favour Popery.

And

And albeit since those times, for want of an Express Rule therein, and by subtile Practices, the said Rites and Ceremonies began to fall into disuse, and in place thereof, other Foreign and unsuiting usages by little and little to creep in. Yet forasmuch as in our own Royal Chappels, and in many other Churches, most of them have been ever constantly used and observed. * We cannot now but be very sensible of this matter, and have cause to conceive that the Authors and Fomentors of these Jealousies, though they colour the same with a pretence of zeal, and would seem to strike only at some supposed iniquity in the said Ceremonies; yet as we have cause to fear, aim at our Royal person, and would fain have our good Subjects imagine that We our Self are perverted and do worship God in a Superstitious way, and that we intend to bring in some alteration of the Religion here established. Now how far We are from that, and how utterly We detest every thought thereof We have by many publick Declarations, and otherwise upon sundry occasions, given such assurance to the World as that from thence We do assure our self, that no man of wisdom and discretion could ever be so beguiled as to give any serious entertainment to such Brain sick Jealousies: and for the weaker sort who are prone to be misled by crafty seducers, We rest no less confident, that even of them, as many as are of loyal or indeed but of charitable hearts, will from henceforth utterly banish all such causeless fears and surmises, upon these our Sacred professions so often made by Us, a Christian Defender of the Faith their King and Sovereign. And therefore if yet any person, under whatsoever mask of zeal or counterfeit holiness shall henceforth by speech or writing, or any other way (notwithstanding these our right hearty, faithful and solemn protestations made before him whose Deputy We are, against all and every intention of any Popish Innovation) be so ungracious and presumptuous as to vent any poisoned conceits, tending to such a purpose, and to cast those Devilish aspersions and jealousies upon our Royal and Godly proceedings, We require all our loyal Subjects that they forthwith make the same known to some Magistrate Ecclesiastical or Civil, and We straightly charge all Ordinaries and every other person in any Authority under Us as they will answer the contrary at their utmost peril, that they use no palliation, connivance, or delay therein; but that taking particular information of all the passages, they do forthwith certify the same unto our Court of Commission for causes Ecclesiastical to be there examined and proceeded in with all fidelity and tenderness of our Royal Majesty, as is due to Us their Sovereign Lord and Governor. But forasmuch as We well perceive that the misleaders of our well minded People, do make the more advantage for the nourishing of this Dilemper among them from hence, that the foresaid Rites and Ceremonies, or some of them are now insisted upon, but only in some Diocesses, and are not generally received in all places, nor constantly and uniformly practised throughout all the Churches of our Realm, and thereupon have been liable to be quarrelled and opposed by them who use them not: We therefore out of our Princely inclination to Uniformity and Peace in matters

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*How great reason there was for this conjecture, the event plainly manifested.

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matters especially that concern the holy worship of God, proposing to our self herein the pious examples of King Edward the Sixth, and of Queen Elizabeth, who sent forth Injunctions and Orders about the Divine Service, and other Ecclesiastical matters, and of our dear Father of Blessed Memory King James who published a Book of Constitutions and Canons Ecclesiastical, and (according to the Act of Parliament in this behalf) having fully advised herein with our Metropolitan, and with our Commissioners authorized under our Great Seal for causes Ecclesiastical, have thought good to give them free leave to treat in Convocation, and agree upon certain other Canons necessary for the advancement of Gods glory, the edifying of his Holy Church, and the due reverence of his Blessed Mysteries and Sacraments: that as we ever have been and by Gods assistance (by whom alone we Reign) shall ever so continue careful and ready to cut off Superstition with one hand, so we may no less expel irreverence and profaneness with the other, whereby it may please Almighty God, so to bless us, and this Church committed to our Government, that it may at once return unto the true former splendor of Uniformity, Devotion and holy Order, the lustre whereof for some years by past hath been overmuch obscured through the devices of some ill affected to that Sacred Order wherein it had long stood from the very beginning of the Reformation, and through inadvertency of some in Authority in the Church under us: We therefore by vertue of our Prerogative Royal and Supream Authority in Causes Ecclesiastical, by our several and respective Letters Patents under our Great Seal of England, Dated the 15th Day of April now last past, and the 12th of May then next following, for the Province of Canterbury, and by our like Letters Patents Dated the 27th Day of the same month of April, and the 20th Day of the month of May aforesaid for the Province of York, did give and grant, full, free and lawful Liberty, Licence, Power and Authority unto the said Lord Archbishop of Canterbury President of the said Convocation for the Province of Canterbury, and unto the said Lord Archbishop of York President of the said Convocation for the Province of York, and to the rest of the Bishops of the said Provinces, and unto all Deans of Cathedral Churches, Archdeacons, Chapter and Colledges, and the whole Clergy of every several Diocess within the said several Provinces and either of them, that they should and might from time to time, during the present Parliament, and further during our Will and pleasure, confer, treat, debate, consider, consult, and agree of and upon Canons, Orders, Ordinances and Constitutions, as they should think necessary fit, and convenient for the honour and service of Almighty God, the good and quiet of the Church, and the better Government thereof, to be from time to time observed, performed, fulfilled and kept as well by the said Archbishop of Canterbury, and the said Archbishop of York, the Bishops and their Successors, and the rest of the Clergy of the said Provinces of Canterbury and York in their several Callings, Offices, Functions, Ministeries, Degrees and Administrations; as by all and every Dean of the Arches and other Judges of the said several Archbishops, of Courts,

Courts Guardians of Spiritualties, Chancellors, Deans and Chapters, Archdeacons, Commissaries, Officials, Registers, and all and every other Ecclesiastical Officers, and their inferiour Ministers whatsoever, of the same respective Provinces of Canterbury and York in their and every of their distinct Courts, and in the order and manner of their and every of their proceedings, and by all other persons within this Realm, as far as lawfully being members of the Church it may concern them, as in our said Letters Patents amongst other Clauses more at large doth appear.

Now forasmuch as the said Lord Archbishop of Canterbury President of the said Convocation for the Province of Canterbury, and the said Archbishop of York President of the said Convocation for the Province of York, and others the said Bishops, Deans, Archdeacons, Chapters and Colledges, with the rest of the Clergy, having met together respectively, at the time and places before-mentioned respectively, and then and there, by virtue of our said Authority granted unto them, treated of, concluded, and agreed upon certain Canons, Orders, Ordinances, and Constitutions, to the end and purpose by us limited and prescribed unto them, and have thereupon offered and presented the same unto us, most humbly desiring us to give our Royal assent unto the same, according to the form of a certain Statute or Act of Parliament made in that behalf, in the 25th year of the Reign of King Henry the Eighth, and by our said Prerogative Royal and Supream Authority in Causes Ecclesiastical, to ratifie by our Letters Patents under our Great Seal of England, and to confirm the same, the Title and Tenour of them being word for word as ensueth.

The New Canons.

Constitutions and Canons Ecclesiastical, treated upon by the Archbishop of *Canterbury* and *York*, President of the Convocation for the respective Provinces of *Canterbury* and *York*, and the rest of the Bishops and Clergy of those Provinces; and agreed upon with the Kings Majesties Licence in their severall Synods begun at *London* and *York* 1640. In the year of the Reign of our Sovereign Lord *Charles* by the Grace of God King of *England*, *Scotland*, *France* and *Ireland*, the Sixteenth.

I.

Concerning the Regal Power.

Whereas sundry Laws, Ordinances, and Constitutions have been formerly made for the acknowledgiment and profession of the most lawful and independent Authority of our dread Sovereign Lord the Kings most Excellent Majesty over the State Ecclesiastical and Civil: We (as our duty in the first place binds us, and so far as to us appertaineth) enjoin them all to be carefully observed by all persons whom they concern, upon the penalties in the said Laws and Constitutions expressed, and for the fuller and clearer instruction and information of all Christian People within this Realm in their Duties in this particular.

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We do further ordain and decree, That every Parson, Vicar, Curate or Preacher upon some one Sunday in every quarter of the year at Morning prayer, shall in the place where he serves, treatably and audibly read these Explanations of the Regal power here inserted.

The most high and Sacred order of Kings is of Divine right, being the Ordinance of God himself, founded in the prime Laws of Nature, and clearly Established by express Texts both of the old and new Testaments. A Supreme power is given to this most Excellent order by God himself in the Scriptures, which is, That Kings should Rule and Command in their several Dominions all persons of what Rank or Estate soever, whether Ecclesiastical or Civil, and that they should restrain and punish with the Temporal Sword all Stubborn and wicked Doers.

The care of Gods Church is so committed to Kings in the Scripture, that they are commended when the Church keeps the right way, and taxed when it was amiss, and therefore her Government belongs in chief unto Kings; for otherwise one man would be commended for anothers care, and taxed for anothers negligence, which is not Gods way.

The power to call and dissolve Councils both National and Provincial, is the true right of all Christian Kings within their own Realms or Territories: and when in the first times of Christs Church-Prelates used this power, 'twas therefore only because in those days they had no Christian Kings; and it was then so only used as in times of Persecution, that is with supposition (in case it were required) of submitting their very lives unto the very Laws and Commands even of those Pagan Princes, that they might not so much as seem to disturb their Civil Government, which Christ came to confirm, but by no means to undermine.

For any persons to set up, maintain, or avow in any their said Realms or Territories respectively, under any pretence whatsoever, any Independent Coactive power, either Papal or Popular, Whether directly or indirectly, is to undermine their Royal office, and cunningly to overthrow the most Sacred Ordinance which God himself hath Established: and so is Treasonable against God as well as the King. For Subjects to bear Arms against their King Offensive or Defensive upon any pretence whatsoever, is at the least to resist the powers which are ordained of God: and though they do not invade but only resist; St. Paul tells them plainly, They shall receive to themselves Damnation.

And although Tribute and Custom, and Aid and Subsidy, and all manner of necessary support and supply be respectively due to Kings from their Subjects by the Law of God, Nature and Nations, for the publick Defence, care and protection of them; yet nevertheless, Subjects have not only possession of, but a true and just right, title and property to and in all their Goods and Estates, and so ought to have; and these two, are so far from crossing one another, that they mutually go together for the honourable and comfortable support of both: For as it is the duty of the Subjects to supply their King; so it is part of the Kingly Office to support his Subjects in the property and freedom of their Estates.

And

And if any Parson, Vicar, Curate or Preacher shall voluntarily or carelessly neglect his duty in publishing the said Explications and Conclusions according to the order abode prescribed, he shall be suspended by his Ordinary, till such time as upon his penitence he shall give sufficient assurance, or evidence of his amendment; and in case he be of any exempt jurisdiction, he shall be censurable by his Majesties Commissioners for causes Ecclesiastical.

And we do also hereby require all Archbishops, Bishops, and all other inferiour Priests and Ministers, that they preach, teach, and exhort their People to obey, honour, and serve their King; and that they presume not to speak of his Majesties power in any other way than in this Canon is expessed, and if any Parson, Vicar, Curate, or Preacher, or any other Ecclesiastical person whatsoever, any Dean, Canon, or Prebendary of any Collegiate or Cathedral Church, any Member or Student of Colledge or Hall, or any Reader of Divinity, or Humanity in either of the Universities or elsewhere, shall in any Sermon, Lecture, Common-place, determination, or disputation, either by word or writing publickly maintain or abet any position or conclusion, in opposition or impeachment of the aforesaid Explications, or any part or article of them, he shall forthwith by the power of his Majesties Commissioners for causes Ecclesiastical, be Excommunicated till he repent, and suspended for two years from all the profits of his Benefice, or other Ecclesiastical, Academical, or Scholastical preferments; and if he so offend a second time he shall be deprived from all his spiritual promotions, of what nature or degree soever they be:

Provided always, That if the Offence aforesaid be given in either of the Universities by men not having any Benefice or Ecclesiastical preferment, that then the Delinquent shall be censured by the ordinary Authority in such cases of that University respectively, where the said fault shall be committed.

II.

For the better keeping of the day of his Majesties most happy Inauguration.

The Synod taking into consideration the most inestimable benefits which this Church enjoyeth under the peaceable and blessed Government of our Dread Sovereign Lord King Charles; and finding that aswell the Godly Christian Emperors in the former times, as our own most Religious Princes since the Reformation, have caused the days of their Inaugurations to be publickly celebrated by all their Subjects, with Prayers and Thanksgivings to Almighty God; and that there is a particular form of Prayer appointed by Authority for that day and purpose, and yet withal considering how negligent some people are in the observance of this day in many places of this Kingdom, doth therefore Decree and Ordain, that all manner of persons within the Church of England, shall from henceforth celebrate, and keep the morning of the said day, in coming diligently and reverently

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unto their Parish Church or Chappel at the time of Prayer, and there continuing all the while, that the Prayers, Preaching, or other Service of the day endureth, in testimony of their humble gratitude to God, for so great a blessing, and dutiful affection to so benign and merciful a Sovereign.

And for the better Execution of this our Ordinance, the holy Synod doth straitly require and charge, and by Authority hereof enableth all Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, and other Ecclesiastical persons, having exempt or peculiar Jurisdiction, as also all Chancellors, Commissaries, and Officials in the Church of England, that they enquire into the keeping of the same in their Visitations, and punish such as they shall find to be delinquent, according as by law they are to censure, and punish those who wilfully absent themselves from Church on Holy Days. And that the said day may be the better observed, we do enjoin that all Church-wardens shall provide at the Parish charge, two of those Books at least appointed for that day, and if there be any want of the said Books in any Parish, they shall present the same at all Visitations respectively.

III.

For Suppressing the Growth of Popery.

ALl and every Ecclesiastical Persons of what rank or condition soever, Archbishops and Bishops, Deans, Archdeacons, all having exempt or peculiar Jurisdiction, with their several Chancellors, Commissaries and Officials, all persons intrusted with cure of Souls shall use respectively all possible care and diligence by conferring privately with the parties, and by censures of the Church in inferior and higher Courts, as also by complaints unto the secular power to reduce all such to the Church of England, who are misled into Popish Superstition.

And first these private conferences shall be performed in each several Diocess, either by the Bishop in person, if his occasion will permit it, or by some one or more learned Ministers at his special appointment, and the said Bishop shall also design the time and place of the said several Conferences, and all such persons as shall be present thereat; which if Recusants refuse to observe, they shall be taken for obstinate, and so certified to the Bishop; and if the said time and place be not observed, by the Minister or Ministers so appointed, they shall be suspended by their Ordinary for the space of Six months, without a very reasonable cause alledged to the contrary. Provided that they be not sent above Ten miles from their dwellings.

If the said Conference prevail not, the Church must and shall come to her censures, and to make way for them, the said Ecclesiastical persons shall carefully inform themselves in the places belonging to their several charges, of all Recusants above the age of Twelve years, both of such as come not at all to Church, as also of all those who coming sometimes thither, do yet refuse to receive the holy Eucharist with us, as likewise of all those, who shall

shall either say or hear Masse: and they shall in a more especial manner enquire out all those, who are either dangerously active to seduce any persons from the Communion of the Church of England, or Seditiously busie to dissuade his Majesties Subjects from taking the Oath of Allegiance. together with all them who abused by their Sophistry, refuse to take the said Oath.

And we straightly command all Parsons, Vicars and Curates, that they carefully, and severally present at all Visitations, the names and sur-names of the Delinquents of these severall kinds in their own Parishes, under pain of suspension for Six months.

And likewise we straitly enjoin all Church-Wardens, and the like sworn Officers whatsoever, that by virtue of their Oaths they shall present at the said Visitations the names of such persons whom they know or hear of, or justly suspect to be delinquent in all or any of these particulars, and that under the pains of the highest Censure of the Church: that so these Delinquents may be legally cited, and being found obstinate they shall be Excommunicated, and such Excommunication shall be pronounced both in the Cathedral Church of the Diocess, and in the severall Parishes where such Recusants live, and every third month they shall be again publickly repeated in the places aforesaid, that all may take notice of those sentences.

And because there are places which either have or pretend to have exemptions in which such Delinquents do usually affect to make their aboad: therefore we enjoin, that all Bishops shall within their severall Diocesses, send unto such places one or more of their Chaplains, or some of their Officers whom they may rely on, to make strict inquiry after Offenders in those kinds, who diligently returning their Information accordingly, the said Bishop shall certifie such Informations to his Metropolitan, that the aforesaid proceedings may forthwith issue from some higher Courts in these Cases whereof by reason of the said Exemptions the inferiour Courts can take no Cognizance.

But if neither Confining nor Censures will prevail with such persons, the Church hath no way left but Complaints to the secular Power; and for them we straightly enjoin, that all Deans Arch-Deacons, and all having inferiour or exempt Jurisdiction, shall every year within Six months after any Visitation by them holden, make Certificate unto their severall Bishops, or Arch-Bishop, if it be within his Diocess, under their Seal of Office, of all such persons who have been presented unto them as aforesaid under pain of suspension from their said Jurisdictions by the space of one whole year.

And we in like manner enjoin all Archbishops and Bishops, that once every year at the least, they certifie under their Episcopal Seal in Parchment, unto the Justices of Assize of every County in the Circuits, and within their Diocesses respectively, the names and sur-names not only of those who have been presented unto them from the said Deans, Arch-Deacons, &c. But of those also who upon the Oaths of Churchwardens and other sworn men at their Visitations, or upon the Information of Ministers employed in the said Conferences have been presented unto them, that so

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the said intended proceedings may have the more speedy and the more general success.

In particular, it shall be carefully inquired into at all Visitations under the Oaths of the Churchwardens and other sworn men what Recusants or Popish persons have been either Married or Buried, or have had their Children Baptized otherwise than according unto the Rules and Forms Established in the Church of England; and the names of such Delinquents (if they can learn them, or otherwise such names as for the time they carry) shall be as aforesaid given up to the Bishop, who shall present them to the Justice of Assize, to be punished according to the Statutes.

And for the Education of Recusants Children, since by Canon already Established, no man can teach School (no not in any private house) except he be allowed by the Ordinary of the place, and withal have subscribed to the Articles of Religion Established in the Church of England; We therefore straitly enjoin, that forthwith at all Visitations there be diligent enquiry made by the Churchwardens or other sworn Ecclesiastical Officers of each Parish under their Oaths, who are employed as Schoolmasters to the Children of Recusants; and that their several names be presented to the Bishop of the Diocess, who citing the said Schoolmasters, shall make diligent search whether they have subscribed or no; and if they or any of them be found to refuse subscription, they shall be forbidden to Teach hereafter, and censured for their former presumption; and withal the names of him or them that entertain such School-master shall be certified to the Bishop of the Diocess, who shall at the next Assize present them to the Judges to be proceeded against according to the Statutes, and if they subscribe, enquiry shall be made what care they take for the Instruction of the said Children in the Catechism Established in the Book of Common-Prayer, and all Ordinaries shall Censure those whom they find negligent in the said Instruction; and if it shall appear, that the Parents of the said Children do forbid such School-masters to bring them up in the Doctrine of the Church of England, they shall notwithstanding do their duty, and if thereupon the said Parents shall take away their Children, the said School-masters shall forthwith give up their names unto the Bishop of the Diocess, who shall take care to return them to the Justices of Assize in manner and form aforesaid; and because some may cunningly elude this Decree by sending their Children to be bred beyond the Seas, therefore we ordain that the Churchwardens and other sworn Ecclesiastical Officers shall likewise make careful enquiry, and give in upon their Oaths at all Visitations the names of such Recusants Children, who are so sent beyond the Seas to be bred there, or whom they probably suspect to be so sent: which names as aforesaid shall be given up to the Bishop, and from him returned to the Judges as aforesaid, that their Parents who so send them may be punished according to Law. Provided always that this Canon shall not take away or derogate from any Power or Authority already given or established by any other Canon now in force.

And all the said Complaints or Certificates shall be presented up to

to the Judges in their feveral Circuits by the Bishops Register, or some other of his Deputies immediately after the publishing of his Majesties Commission, or at the end of the Charge which shall be then given by the Judge, and this upon pain of suspension for three months.

This sacred Synod doth earnestly intreat the Reverend Justices of Assize to be careful in the Execution of the said Laws committed to their Trust, as they will answer to God for the daily increase of this gross kind of Superstition. And further we do exhort all Judges whether Ecclesiastical or Temporal upon the like account, that they would not admit in any of their Courts any vexatious Complaint, Suit or Suits, or presentments against any Minister, Church-wardens, Questmen, Sidemen, or other Church-Officers for the making of any such presentments.

And lastly, we enjoin that every Bishop shall once in every year send into his Majesties High Court of Chancery a Significavit of the names and surnames of all such Recusants who have stood Excommunicated beyond the time limited by the Law, and shall desire that the Writ De Excommunicato capiendo might be at once sent out against them all Ex Officio, and for the better Execution of this Decree, this present Synod doth most humbly beseech his most Sacred Majesty that the Officers of the said High Court of Chancery whom it shall concern, may be commanded to send out the aforesaid Writ from time to time as is desired, for that it would much exhaust the particular Estates of the Ordinaries to sue out several Writs at their own charge, and that the like Command also may be laid upon the Sheriffs and their Deputies for the due and faithful Execution of the said Writs as often as they shall be brought unto them.

And to the end that this Canon may take the better and speedier effect, and not to be deluded or delayed: We further Decree and Ordain that no Popish, Recusants who shall persist in the said sentence of Excommunication beyond the time prescribed by Law, shall be absolved by virtue of any appeal in any Ecclesiastical Court, unless the said party shall first in his or her own person, and not by a Proctor take the usual Oath De parendo Juri & stando mandatis Ecclesiæ.

IV.

Against Socinianism.

Whereas much mischief is already done in the Church of God by the spreading of the damnable and cursed heresie of Socinianism as being a Complication of many anti-ent heresies condemned by the first four General Councils, and contrariant to the Articles of Religion now Established in the Church of England: and whereas it is too apparent that the said wicked and blasphemous Errors are unhappily dilated by the frequent divulgation and dispensation of dangerous Books written in favour and furtherance of the same, whereby many, especially of the younger or unsettled sort of People may be poisoned and infected:

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infected: It is therefore Decreed by this present Synod, that no Stationer, Printer, or Importer of the said Books or any other person whatsoever shall Print, Buy, Sell or Disperse any Books, broaching or maintaining of the said abominable Doctrine or Positions, upon pain of Excommunication *ipso facto* to be thereupon incurred: and we require all Ordinaries upon pain of the Censures of the Church, that beside the Excommunication aforesaid, they do certifye their names and offences under their Episcopal Seal to the Metropolitan, by him to be delivered to his Majesties Attorney General for the time being to be proceeded withall according to the late Decree in the Honourable Court of Star-Chamber against spreaders of prohibited Books, and that no Preacher shall presume to vent any such Doctrine in any Sermon under pain of Excommunication for the first offence, and Depri- vation for the second, and that no Student in either of the Uni- versities of this Land, nor any person in Holy Orders (excepting Graduates in Divinity or such as have Episcopal or Archidiaconal Jurisdiction or Doctors of Laws in Holy Orders) shall be suffered to have or read any such Socinian Book or Discourse, under pain (if the Offender live in the University) that he shall be pu- nished according to the strictest Statutes provided there against the publishing, reading or maintaining of false Doctrine: or if he live in the City or Country abroad, of a suspension for the first Offence, and Excommunication for the second, and Depri- vation for the third, unless he will absolutely and in terminis abjure the same. And if any Layman shall be seduced into this opinion, and be convicted of it, he shall be Excommunicated, and not Ab- solved, but upon due Repentance and Abjuration, and that before the Metropolitan or his own Bishop at the least: and we likewise enjoin that such Books, if they be found in any prohibited hand, shall be immediately burned; and that there be a diligent search made by the appointment of the Ordinary after all such Books in what hands soever, except they be now in the hands of any Gradu- ate in Divinity, and such as have Episcopal, or Archidiaconal Jurisdiction, or any Doctor of Laws in Holy Orders as aforesaid, and that all who now have them, except before excepted, be strictly commanded to bring in the said Books in the Universities to the Vice-Chancellors, and out of the Universities to the Bishops, who shall return them to such whom they dare trust with the read- ing of the said Books, and shall cause the rest to be burned. And we further enjoin, that diligent enquiry be made after all such that shall maintain and defend the aforesaid Socinianism, and when any such shall be detected, that they be complained of to the several Bishops respectively, who are required by this Synod to repress them from any such propagation of the aforesaid wicked and detestable opinion.

V.

Against Sectaries.

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Canon 5.

Whereas there is a provision now made by a Canon for the suppressing of Popery and the growth thereof by subjecting Popish Recusants to the greatest severity of Ecclesiastical Censures in that behalf: This present Synod well knowing that there are other Sects which indeavour the subversion both of the Doctrine and Discipline of the Church of England no less than Papists do, although by another way; for the preventing thereof doth hereby Decree and Ordain, That all those proceedings and penalties which are mentioned in the aforesaid Canon against Popish Recusants, as far as they shall be applyable shall stand in full force and vigour against all Anabaptists, Brownists, Separatists, Familists, or other Sect or Sects, Person or Persons whatsoever, who do or shall either obstinately refuse, or ordinarily not having a lawful impediment (that is, for the space of a month) neglect to repair to their Parish Churches or Chappels where they inhabit, for the hearing of Divine Service Established, and receiving the Holy Communion according to Law. And we do also further Decree and Ordain, That the Clause contained in the Canon now made by this Synod against the Books of Socinianism, shall also extend, to the Bakers, Importers, Printers and Publishers, or dispersers of any Book, writing or scandalous Pamphlet devised against the Discipline and Government of the Church of England, and unto the maintainers and abettors of any opinion or Doctrine against the same.

And further because there are sprung up among us a sort of Factious people, despisers and depravers, of the Book of Common-prayer, who do not according to the Law resort to their Parish Church or Chappel to joyn in the publick prayers, service and worship of God with the Congregation, contenting themselves with the hearing of Sermons only, thinking thereby to avoid the penalties due to such as wholly absent themselves from the Church; We therefore for the restraint of all such wilful contemners or neglecters of the service of God, do ordain that the Church or Chappel-Wardens, and Questmen, or Sidemen of every Parish shall be careful to enquire out all such disaffected persons, and shall present the names of all such Delinquents, at all Visitations of Bishops, and other Ordinances; and that the same proceedings and penalties mentioned in the Canon aforesaid respectively shall be used against them as against other Recusants, unless within one whole month after they are first denounced, they shall make acknowledgment and reformation of that their fault. Provided always, That this Canon shall not derogate from any other Canon, Law or Statute in that behalf provided against those Sectaries.

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VI.

An Oath injoyn'd for the preventing of all Innovations in Doctrine and Government.

This present Synod being desirous to declare their sincerity and constancy in the profession of the Doctrine and Discipline already Established in the Church of England, and to secure all men against any suspicion of revolt to Popery, or any other superstition, Decrees that all Archbishops and Bishops, and all other Priests and Deacons in places exempt or not exempt shall before the second day of November next ensuing, take this Oath following against all Innovation of Doctrine or Discipline; and this Oath shall be tendered them and every of them, and all others named after in this Canon, by the Bishop in person, or his Chancellor, or some grave Divines named and appointed by the Bishop under his Seal, and the said Oath shall be taken in the presence of a publick Notary, who is hereby required to make an Act of it, leaving the Universities to the provision which follows.

The Oath is.

I A. B. do swear, That I do approve the Doctrine and Discipline or Government established in the Church of **England**, as containing all things necessary to Salvation; and that I will not endeavour by my self or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so Established; nor will I ever give my consent to alter the Government of this Church by Archbishops, Bishops, Deans and Archdeacons, &c. as it stands now Established, and as by right it ought to stand, nor yet ever to subject it to the Usurpations and Superstitions of the See of **Rome**. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any Equivocation, or mental Evasion or secret reservation whatsoever, and this I do heartily, willingly, and truly, upon the Faith of a Christian, So help me God in Jesus Christ.

And if any beneficed or dignified in the Church of England, or any other Ecclesiastical person shall refuse to take this Oath, the Bishop shall give him a months time to inform himself, and at the months end if he refuse to take it he shall be suspended Ab Officio, and have a second month granted; and if then he refuse to take it he shall be suspended Ab Officio & beneficio, and have a third months time granted him for his better Information; but if at the end of that month he refuse to take the Oath above named, he shall by the Bishop be deprived of all his Ecclesiastical promotions whatsoever, and Execution of his Function which he holds in the Church of England.

And we likewise Constitute and Ordain, That all Masters of Arts (the Sons of Noblemen only excepted) all Batchellors and Doctors in Divinity, Law or Physick, all that are licensed to practise Physick, all Registers, Actuaries and Proctors, all School-
Masters,

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 Masters, all such as being Natives or Naturalized do come to be incorporated into the Universities here; having taken a Degree in any foreign University shall be bound to take the said Oath; and we command all Governors of Colledges and Halls in either of the Universities, that they administer this said Oath to all persons resident in their several Houses that have taken the Degrees before-mentioned in this Canon, within six months after the publication hereof.

And we likewise Constitute, That all Bishops shall be bound to give the said Oath unto all those to whom they give Holy Orders at the time of their Ordination, or to whomsoever they give Collation, Institution, or licence to Preach, or serve any Cure.

VII.

A Declaration concerning some Rites and Ceremonies.

BEcause it is generally to be wished, that unity of Faith were accompanied with Uniformity of practice in the outward worship and service of God; chiefly for the avoiding of groundless suspicions of those who are weak, and the malicious Aspersions of the professed enemies of our Religion; the one fearing Innovations, the other flattering themselves with a vain hope of our backslidings unto their Popish superstition, by reason of the Situation of the Communion Table, and the approaches thereunto, the Synod declareth, as followeth:

That the standing of the Communion Table sideways under the East Window of every Chancel or Chappel, is in its own nature indifferent, neither commanded nor condemned by the word of God either expressly or by immediate deduction, and therefore that no Religion is to be placed therein, or scruple to be made thereon; and albeit at the time of the reforming of this Church from that gross superstition of Popery, it was carefully provided that all means should be used to root out of the minds of the People, both the inclination thereunto, and the memory thereof; especially of the Idolatry committed in the Masse, for which cause all Popish Altars were demolished: yet notwithstanding it was then ordered by the injunctions of Queen Elizabeth of blessed memory that the Holy Tables should stand in the place where the Altars stood, and accordingly have been continued in the Royal Chappels of three famous and pious Princes, and in most Cathedral, and some Parochial Churches, which doth sufficiently acquit the manner of placing the said Tables from any illegality or just suspicion of Popish Superstition or Innovation: And therefore we judge it fit and convenient that all Churches and Chappels do conform themselves in this particular, to the example of the Cathedral or mother Churches, saving always the general liberty left to the Bishop by Law, during the time of the Administration of the Holy Communion; And we declare that this Situation of the Holy Table, doth not imply that it is, or ought to be esteemed a true and proper Altar, wherein Christ is again really Sacrificed; but it is and may be called an Altar by us in that sense in which the Primitive Church called it an Altar and in no other. And because experience hath shewed us, how irreverent the behaviour of many people is in many places, some leaning, others casting their Hats,

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and some sitting upon, some standing, and others sitting under the Communion Table in time of Divine Service; for the avoiding of these and the like abuses, it is thought meet and convenient by this present Synod, that the said Communion Tables in all Chancels or Chappels be decently severed with Rails to preserve them from such or worse profanations.

And because the Administration of Holy things is to be performed with all possible Decency and Reverence, therefore we judge it fit and convenient according to the word of the Service-Book established by Act of Parliament *Draw near, &c.* That all Communicants with all humble Reverence shall draw near and approach to the Holy Table, there to receive the Divine Mysteries, which have heretofore in some places been unfitly carried up and down by the Minister, unless it shall be otherwise appointed in respect of the incapacity of the Place or other inconvenience, by the Bishop himself in his jurisdiction, and other Ordinaries respectively in theirs.

And lastly, whereas the Church is the House of God, dedicated to his Holy worship, and therefore ought to mind us, both of the greatness and goodness of his Divine Majesty, certain it is that the acknowledgment thereof, not only inwardly in our hearts, but also outwardly with our Bodies, must needs be pious in it self, profitable to us, and edifying unto others. We therefore think it very meet and behooveful, and heartily recommend it to all good and well affected people, members of this Church, that they be ready to tender unto the Lord the said acknowledgment by doing Reverence and Obedience both at their coming in and going out of the said Churches, Chancels or Chappels, according to the most ancient custom of the Primitive Church in the purest times, and of this Church also for many years of the Reign of Queen *Elizabeth*. The reviving therefore of this ancient and laudable custom we heartily commend to the serious consideration of all good people, not with any intention to exhibit any Religious worship to the Communion Table, the East or Church or any thing therein contained in so doing, or to perform the said Gesture in the Celebration of the Holy Eucharist, upon any opinion of a corporal presence of the Body of Jesus Christ on the Holy Table, or in the mystical Elements, but only for the advancement of Gods Majesty, and to give him alone that honour and glory that is due unto him, and no otherwise; and in the practice or omission of this Rite, we desire that the Rule of Charity prescribed by the Apostle may be observed, which is, that they which use this Rite despise not them who use it not, and that they who use it not condemn not those that use it.

VIII.

Of Preaching for Conformity.

WHEREAS the Preaching of Order and Decency according to St Pauls Rule both conduce to Edification, it is required that all Preachers (as well Beneficed men as others) shall positively and plainly Preach and Instruct the people in their public Sermons twice in the year at the least, that the Rites and Ceremonies now Established in the Church of England are lawful and commendable, and that they the said people and others ought to conform themselves in their practice to all the said Rites and Ceremonies, and that the people and others ought willingly to submit

submit themselves unto the Authority and Government of the Church, as it is now Established under the Kings Majesty; and if any Preacher shall refuse or neglect to do according to this Canon, let him be suspended by his Ordinary, during the time of his refusal or wilful forbearance to do hereafter.

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IX.

One Book of Articles to be used at all Parochial Visitations.

For the better settling of an Uniformity in the outward Government and Administration of the Church, and for the more preventing of the just grievances which may be laid upon Church-Wardens and other sworn men by any impertinent, inconvenient, or illegal enquiries in the Articles for Ecclesiastical Visitations; This Synod hath now caused a Summary or Collection of Visitation Articles (out of the Rubricks of the Service Book, and the Canons and Warrantable Rules of the Church) to be made, and for future Direction to be deposited in the Records of the Archbishop of Canterbury: and we do Decree and Ordain that from henceforth no Bishop or other person whatsoever having right to hold, use or exercise any Parochial Visitation, shall (under the pain of a months suspension upon a Bishop, and two months upon any other Ordinary that is delinquent, and this to be incurred ipso facto) cause to be Printed or published, or otherwise to be given in charge to the Church-Wardens, or to any other persons which shall be sworn to make Presentments, any other Articles or Forms of enquiry upon Oath than such only as shall be approved and in terminis allowed unto him (upon due request made) by his Metropolitan under the Seal of Office. Provided always, that after the end of three years next following the date of these presents, the Metropolitan shall not either at the instance of those which have right to hold Parochial Visitations, or upon any other occasion, make any addition or diminution from that allowance to any Bishop of Visitation Articles, which he did last before (in any Diocess within his Province) approve of, but calling for the same shall hold and give that only for a perpetual Rule, and then every Parish shall be bound only to take the said Book from the Arch Deacons and others having a peculiar or exempt Jurisdiction, but once from that time, in three years, in case they do make it appear that they have the said Book remaining in their publick Chest for the use of the Parish: and from every Bishop they shall receive the said Articles at the Episcopal Visitation only, and in manner and form as formerly they have been accustomed to do and at no greater price than what hath been usually paid in the said Diocess respectively.

Concerning the Conversation of the Clergy.

The sober, grave and exemplary conversation of all those that are imployed in the Administration of holy things being of great avail for the furtherance of Piety, it hath been the Religious care of the Church of England strictly to enjoin to all and every one of her Clergy, a pious, regular, and inoffensive demeanour, and to prohibit all loose and scandalous carriage by severe censures to be inflicted upon such delinquents, as appears by the 74 and 75 Canons Anno 1603. provided to this purpose.

For the more effectual Success of which pious and necessary care this present Synod straitly charges all Clergy-men in this Church, that setting before their eyes the glory of God, the holiness of their calling, and the edification of the people committed to them, they carefully avoid all excess and disorder; and that by their Christian and Religious Conversation they shine forth as lights unto others in all godliness and honesty. And we also require all those to whom the Government of the Clergy of this Church is committed that they set themselves to counterance and encourage Godliness, Gravity, Sobriety, and all unblamable Conversation in the Ministers of this Church, and that according to the power with which they are intrusted, they diligently labour by the due Execution of the above-named Canons, and by all other Ecclesiastical provisions made for this end, to reform all offensive and scandalous persons, if any be in the Ministry, as they tender the wellfare and prosperity of Piety and Religion, and as they will answer to God for those scandals which through their remissness and neglect shall arise and grow in this Church of Christ.

XI.

Chancellors Patents.

For the better remedying and redress of such abuses as are complained of in Ecclesiastical Courts, the Synod doth decree and ordain, that hereafter no Bishop shall grant any Patent to any Chancelloz, Commissary, or Official for any longer term, than the life of the Grantee only, nor otherwise than with express reservation to himself and his Successors of the power to execute the said place, either alone, or with the Chancelloz, if the Bishop shall please to do the same, saving always to the said Chancellors, &c. the Fees accustomedly taken for Executing the said Jurisdiction, and that in all such Patents the Bishop shall keep in his own hands the power of Institution unto Benefices, as also of giving licences to Preach or keep School; And further that no Dean and Chapter confirm any Patent of any Chancelloz, Commissaries, or Officials place, wherein the said conditions are not expressed sub pœna suspensionis to the Dean (or his locum tenens if he pass the Act in his absence) and to every Canon and Prebendary, voting to the

the confirmation of the said Act, to be inflicted by the Archbishop of the Province, and further, the holy Synod doth decree and ordain that no reward shall be taken for any Chancellors, Commissaries or Officials place under the heaviest Censures of the Church.

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XII.

Chancellors alone not to Censure any of the Clergy in fundry Cases.

That no Chancellor, Commissary, or Official, unless he be in Holy Orders shall proceed to suspension, or any higher Censure against any of the Clergy in any Criminal cause other than neglect of appearance upon legal citing, but that all such causes shall be heard by the Bishop in person, or with the assistance of his Chancellor, or Commissary, or if the Bishops occasions will not permit, then by his Chancellor or Commissary and two grave dignified or beneficed Ministers of the Diocess to be assigned by the Bishop under his Episcopal Seal, who shall hear and censure the said cause in the Consistory.

XIII.

Excommunication and Absolution not to be pronounced but by a Priest.

That no Excommunications or Absolutions shall be good or valid in Law except they be pronounced, either by the Bishop in person, or by some other in Holy Orders, having Ecclesiastical Jurisdiction, or by some grave Minister beneficed in the Diocess, being a Master of Arts at least and appointed by the Bishop, and the Priests name pronouncing such sentence of Excommunication, or Absolution to be expressed in the Instrument issuing under Seal out of the Court: And that no such Minister shall pronounce any sentence but in open Consistory, or at least in a Church or Chappel, the Penitent humbly craving and taking Absolution upon his knees, and having first taken the Oath, De parendo juri, & stando mandatis Ecclesiæ, And that no Parson, Vicar or Curate, Sub pœna suspensionis, shall declare any of his or their Parishioners to be Excommunicate, or shall admit any of them so Excommunicate into the Church and there declare them to be absolved, except they first receive such Excommunications and Absolutions under the Seal of the Ecclesiastical Judge from whom it cometh.

XIV.

Concerning Commutations, and the disposing of them.

That no Chancellor, Commissary or Official, shall have power to commute any penance in whole or in part; but either together with the Bishop in person or with his priuity in writing, or if by himself then he shall give up a full and just account of all such Commutations once every year, at Michaelmas to the Bishop,

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Bishop, who shall with his Chancellor, see that all such Moneys be disposed of to charitable and publick uses according to Law, and if any Chancellor or other having Jurisdiction as aforesaid, shall not make such a just account to the Bishop, and be found guilty of it, he shall be suspended from all exercise of his Jurisdiction for the space of one whole year.

Always provided, that if the Crime be publickly complained of and do appear notorious, that then the Official shall signifie to the place from whence the complaint came, that the Delinquent hath satisfied the Church for his offence, and the Minister shall signifie it as he shall be directed; saving always to all Chancellors and other Ecclesiastical Officers their due and accustomable Fees, if he or they be not so suspended as aforesaid.

## XV.

Canon 15.

## Touching concurrent Jurisdictions.

**T**hat in such places wherein there is concurrent Jurisdiction, no Executor be cited into any Court or Office for the space of ten days after the death of the Testator: and that aswell every Apparitor herein, as every Register or Clerk that giveth or carrieth out any Citation or Process to such intent, before that the said ten days be expired shall for the first offence herein be suspended from the Execution of his Office, for the space of three months and for the second Offence in this kind be and stand Excommunicated ipso facto, not to be restored but by the Metropolitan of the Province or his lawful Surrogate; and that yet nevertheless it be lawful for any Executor to prove such Wills when they think good, within the said ten days before any Ecclesiastical Judge respectively, to whose Jurisdiction the same may, or doth appertain.

## XVI.

Canon 16.

## Concerning Licences to Marry.

**W**hereas divers Licences to Marry are granted by Ordinances in whose Jurisdiction neither of the parties desiring such Licence is resident to the prejudice of the Archiepiscopal Prerogative to whom only the power of Granting such Licences to parties of any Jurisdiction per totam Provinciam by Law belongeth; and for other great inconveniencies thereupon ensuing; It is therefore decreed, That no Licence of Marriage shall be granted by any Ordinary to any parties unless one of the parties have been commorant in the Jurisdiction of the said Ordinary for the space of one whole month, immediately before the said Licence be desired, and if any Ordinary shall offend herein, and be sufficiently evinced thereof, in any of the Lord Archbishops Courts, he shall be liable to such Censures as the Lord Archbishop shall think fit to inflict; and we further decree, That one of the conditions in the Bond of security given by the parties taking such Licence, shall be



be that the said parties or one of them, have or hath been a month commorant in the said Jurisdiction, immediately before the said Licence granted. And the Synod decrees, That whatsoever is ordered in these six last Canons, concerning the Jurisdiction of Bishops, their Chancellors and Commissaries (so far as by Law is applicable) be in force, concerning all Deans, Deans and Chapters, Collegiate Churches, Archdeacons and all in holy Orders, having exempt or peculiar Jurisdiction and their several Officers respectively.

1640.

XVII.

Against Vexatious Citations.

**A**ND that this Synod may prevent all grievances, which may fall upon the People by Citations into Ecclesiastical Courts, upon pretence only of the breach of Law, without either Presentment, or any other just ground, this present Synod decrees, That for all times to come, no such Citation grounded only as aforesaid, shall issue out of any Ecclesiastical Court, except the said Citation be sent forth under the hand and Seal of the Chancellor, Commissary, Archdeacon, or other competent Judge of the said Court, within thirty days after the fault committed, and return thereof to be made the next or second Court day after the Citation served at the farthest; and that the party so cited, unless he be convinced by two witnesses shall upon denial of the Fact upon Oath, be forthwith freely dismissed, without any payment of Fees. Provided that this decree extend not to any grievous Crime, as Schism, Incontinence, misbehaviour in the Church in time of Divine Service, obstinate In-conformity, or the like.

We of our Princely inclination and Royal care for the maintenance of the present Estate and Government of the Church of England by the Laws of this our Realm now settled and Established having diligently with great contentment and comfort read and considered of all these their said Canons, Orders, Ordinances and Constitutions agreed upon, as is before expressed: and finding the same such as we are persuaded will be very profitable not only to our Clergy, but to the whole Church of this our Kingdom, and to all the true Members of it (if they be well observed) have therefore for us, our Heirs and lawful Successors of our especial grace, certain knowledge and mere motion given and by these presents do give our Royal assent, according to the form of the said Statute or Act of Parliament aforesaid to all and every of the said Canons, Orders, Ordinances, and Constitutions, and to all and every thing in them contained as they are before written. And furthermore, we do not only by our said Prerogative Royal and Supream Authority in Causes Ecclesiastical ratifie, confirm and Establish by these our Letters Patents the said Canons, Orders, Ordinances and Constitutions, and all and every thing in them contained, as is aforesaid, but do likewise propound, publish and straitly enjoin and command by our said Authority, and by these our Letters Patents, the same to be dili-

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gently



1640.



gently observed, executed, and equally kept by all our loving Subjects of this our Kingdom, both within the Provinces of Canterbury and York in all points wherein they do or may concern every or any of them according to this our Will and Pleasure hereby signified and expressed. And that likewise for the better observation of them every Minister, by what name or title soever he be called shall in the Parish Church or Chappel where he hath charge, read all the said Canons, Orders, Ordinances and Constitutions, at all such times and in such manner as is prescribed in the said Canons or any of them: The Book of the said Canons to be provided at the charge of the Parish, betwixt this and the Feast of St. Michael the Arch-Angel next ensuing, straightly charging and commanding all Archbishops, Bishops, and all other that exercise any Ecclesiastical Jurisdiction within this Realm, every man in his place to see and procure, so much as in them lieth, all and every of the same Canons, Orders, Ordinances, and Constitutions to be in all points duly observed, not sparing to execute the Penalties in them severally mentioned, upon any that shall willingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service to us their King and Sovereign. In witness whereof we have caused these our Letters to be made Patents: Witness our Self at Westminster, the thirtieth day of June, in the Sixteenth year of our Reign.

These were the Canons which occasioned afterwards such great Debates, and so much persecution to the Bishops and Loyal Party of the Clergy, who were Accused of a Design to bring in Popery, Superstition and Innovations into the Church, though nothing is more evident than that whatsoever their other faults were in these Canons, one of their great Crimes was their endeavouring for ever to shut the Doors against Presbytery, Profaneness, and that Deluge of Innovations and Errors, which at the same time invaded and overthrew both Church and State; and if they were under mistakes, it was not in their Intention. But the greatest Offence, and wherein they had exceeded the Limits of their Power, was the granting of this Benevolence or Contribution to assist his Majesty against the Rebellious Covenanters of *Scotland*, whose Principles and Proceedings were so very dear to the now prevailing Party in the Parliament, that to oppose them was a sin unpardonable, and ere long you shall see them treated with the indulgent Title of Brethren of *Scotland*, as before you have seen a Gentleman severely rebuked in the House for bestowing upon them the stile of Rebels.

Then the Petition of the Lords which was presented to the King at *York* was read, and ordered to be Entred upon the Journal of the House of Commons, but, for what reason I cannot tell, such omissions being frequent and the expectation of the Searcher baulked with a blank, is omitted, however a Vote passed wherein it was declared, *That the said Lords had done legally, and what was just and expedient, for the good of the King and Kingdom.*

*Thursday* and *Friday*, the greatest part were spent about the business of Monopolies; a Petition of the Traders in Salt was read and referred to the Committee for Grievances. And one Mr. *Thomas Forth* was sent for about the Patent for Salt.

Friday

The Lords who Petitioned the King at *York* justified by a vote of the Commons.

Thursday No. 19  
Friday No. 20.



Friday, Charles Lord Howard of Charleton was according to the usual Ceremony introduced into the House of Lords, and placed next below the Lord Mountague: his Writ of Summons bears Date, Novemb. 19. 16. Car. Regis.

Mr. Whistler made a Report of the Irish Affairs, from a Remonstrance of the Parliament of Ireland, that Trading was destroyed, Industry disheartned, new and unlawful Impositions imposed, complaining of the Arbitrary determination of all Causes for Goods, Lands and Possessions by Petitions and Acts at Council Table, where no Writ of Error lieth, and whereby the King loseth a Fine upon the Original Writ.

That his Majesties gracious Inclinations for the good of the Kingdom is kept from them; That there is a Monopoly of the sole Trade of Tobacco, of more gain to the Parties interested than the Kings whole Revenue in Ireland. The destroying the Plantation of Londonderry; The Exorbitant Power of the High-Commission which crieth loud in all the Kingdom; The Proclamation forbidding any to depart thence for England without Licence, and the great Rates to obtain them; The many Subsidies given, and money raised for the King, notwithstanding which he is still in debt, and therefore they demand an Account of his Treasure, and desire present Redress or Access to his Majesty.

Upon which Complaints it was Ordered, That Sir Paul Davis Clerk of the Council in Ireland should send a transcript of all Proceedings at Council Board since the Lord Strafford was Deputy, asserted by men Fide dignos.

The Secretary, Mr. Slingsby and Mr. Little, to send the Book of Entries of Petitions presented to the Lord Deputy, and the Orders and proceedings thereupon.

Mr. Little, jun. and Mr. Carpenter, to send the Warrants by which they demand and levy the Monopoly upon Tobacco.

The Officers of the Custom-House of Dublin, Kinsale, Toughall, Waterford, Cork, Galloway, Carrick-fergus, and Banger, to send their Books of Entries, whereby the several Impositions laid upon several Commodities may appear. And Warrants under Mr. Speakers hand were issued out accordingly upon these Orders.

Then a Vote was passed, That at the receiving of the Communion next Sunday, it was the Desire of the House, That the Communion-Table may be removed into the middle of the Church. To which the Reverend Dean returned this Answer, That it should, and that though he would do greater Service to the House of Commons than this, yet he would do as much as this for any Parishoner in his Diocess.

The House then fell upon Secretary Windebanks Affair, and one Horwood being called to the Bar and interrogated concerning him Answered, That about two years ago he had a Letter under Mr. Secretary Windebanks hand, to countermand the Execution of the Writ against the Lands and Goods of Recusants convict, and that he did forbear accordingly, but was after complained of and committed to Custody of one Brooks, for doing something against Recusants notwithstanding; That while he was under restraint he entered into Bond to one Robert Lord, in a hundred pounds never to prosecute any Recusant, and this by direction of Mr. Read, Secretary to Mr. Secretary Windebank. That one Leonard Dare offered him 30 l. to be quiet and not stir in this business, and produced a Note under Dares hand. Dare, Lord, Read and Brook, were Ordered to attend, and Horwood also with Secretary Windebank's Letter.

I 6 4 0.

Charles Lord Howard of Charleton introduced into the House of Peers. Mr. Whistlers Report of Irish Officers.

Order about Removing the Communion Table.

Mr. Secretary Windebank accused by one Horwood.



6 4 0.

Message from  
the Lords a-  
bout the Sco-  
tish Treaty.

A Message was brought from the Lords, to let the Commons know that the King had Sealed a Commission to those that attended at *Rippon*, and had given them power thereby to Treat with the *Scots* Commissioners who were now all come to *London*, and to hear and determin as many of the differences as they could; and such as they could not were to be referred to the House of Lords for their Determination. And that the Lords had sent this Message because they would do nothing without their privacy.

This Complement to preserve a good Understanding, was not so well received by the Commons, but that it put them into a very warm Debate, but at last it was agreed to, with a Proviso, That the House approves of the Lords Commissioners that were in the late Treaty with the *Scots* Commissioners at *Rippon*, with this Declaration, That no Conclusion of theirs shall bind the Commons without their Consent in Parliament.

Lord *Hastings*  
introduced  
into the Lords  
House.

Saturd. No. 21.  
Dr. *Cofins* sent  
for as a De-  
linquent.

Upon *Saturday* the Lord *Hastings* was according to the Usual Solemnitie introduced into the Lords House, and placed next below the Lord *Dacres*.

This Day Dr. *Cofins* against whom Mr. *Smart* had complained, was Ordered to be sent for by the Sergeant at Arms, and a Committee appointed to prepare a Charge against him.

State of the  
Army.

A Committee was also appointed to consider the state of the Army, and to enquire what Commanders or inferior Officers are Papists, and what charges may be spared, and in order to that to send for a perfect List of their true number.

Monday No. 23.

Upon Munday the House of Commons was turned into a grand Committee for Religion, where Sr. *Edward Deering* made a most sharp Speech against the Archbishop and Clergy, as it is from his own Copy, it followeth, Mr. *White* being then in the Chair.

Mr. *White*,

Sir *Edward*  
*Deerings*  
Speech at a  
Grand Com-  
mittee for Re-  
ligion.

‘ You have many private Petitions, give me leave (by word of mouth) to interpose one more general, which thus you may receive.

‘ Gods true Religion is violently invaded by two seeming Enemies: but indeed they are (like *Herod* and *Pilate*) fast friends for the destruction of truth. I mean the Papists for one party, and our Prelating Faction for the other. Between these two in their several progress, I observe the concurrence of some few parallels fit (as I conceive) to be represented to this Honourable House.

‘ First with the Papists, there is a severe Inquisition; and with us (as it is used) there is a bitter High Commission, both these (*contrafas & jus*) are judges in their own case: yet herein their Inquisitors are better than our High Commissioners.—— They (for ought I ever heard) do not (*servire in suos*) punish for delinquents and offenders, such as profess and practise according to the Religion established by the Laws of the Land where they live.

‘ But with us how many poor distressed Ministers? nay how many scores of them in a few years past have been suspended, degraded, deprived, excommunicated, not guilty of the breach of any our established Laws? The Petitions of many are here with us, more are coming; all their prayers are in Heaven for redress.

‘ Secondly,



‘ Secondly with the Papists, there is a Mysterious Artifice, I mean their  
‘ *Index expurgatorius* whereby they clip the tongues of such witnesses  
‘ whose evidence they do not like. — To this I parallel our late *Imprima-*  
‘ *turs*: Licences for the Press; so handled that Truth is suppressed, and  
‘ Popish Pamphlets fly abroad *Cum privilegio*; witness the audacious and  
‘ libelling Pamphlets against true Religion, Written by *Pocklington, Heylin,*  
‘ *Dow, Cofins, Shetford, Swan, Reeves, Tates, Harsted, Studley, Sparrow,*  
‘ *Brown, Roberts.* — Many more; I name no Bishops, but I add, &c.

‘ Nay they are already grown so bold in this new Trade, that the most  
‘ learned labours of our ancient and best Divines, must be now corrected  
‘ and defaced with a *Deleatur* by the supercilious Pen of my Lords young  
‘ Chaplain; fit (perhaps) for the technical Arts, but unfit to hold the  
‘ chair of Divinity.

ut herein the Roman Index is better than are our English Licencers:  
‘ They thereby do preserve the current of their own established Doctrine,  
‘ a point of wisdom. But with us our Innovators by this Artifice do al-  
‘ ter our settled Doctrines: Nay they do subinduce points repugnant and  
‘ contrariant. And this I dare assume upon my self to prove.

‘ One parallel more I have, and that is this: Among the Papists, there is  
‘ one acknowledged supream Pope, supream in honour, in order and in  
‘ power; from whose Judgment there is no appeal — I confess (Mr.  
‘ Speaker) I cannot altogether match a Pope with a Pope; (yet one of  
‘ the antient titles of our English Primate was *Alterius orbis Papa.*) But  
‘ thus far I can go, *Ex ore suo.* It is in Print, — He pleads fair for a Pa-  
‘ triarchate: And for such an one, whose judgment, he (before hand) pro-  
‘ fesseth ought to be final: and then (I am sure) it ought to be unerring.

‘ Put these together, and you shall find that the final determination of  
‘ a Patriarch will want very little of a Pope, — and then we may say,

———— *Mutato nomine de te*  
*Fabula narratur* ———

‘ He pleads Popeship under the name of a Patriarch: And I much fear  
‘ lest the end and top of his Patriarchal plea may be as that of Cardinal *Pole*  
‘ (his predecessor) who would have two heads, one *Caput Regale*, another  
‘ *Caput Sacerdotale*: a proud parallel to set up the Mitre as high as the  
‘ Crown.

‘ But herein I shall be free and clear, if one there must be (be it a Pope,  
‘ be it Patriarch) this I resolve upon for my own choice (*Procul a Jove*  
‘ *procul a fulmine.*) I had rather serve one as far off as *Tyber*, than to have  
‘ him come so near as the *Thames*. A Pope at *Rome* will do me less hurt  
‘ than a Patriarch may do at *Lambeth*.

‘ I have done, and for this third parallel I submit it to the wisdom and  
‘ consideration of this grand Committee for Religion, in the mean time I  
‘ do ground my motion upon the former two, and it is this in brief:

‘ That you would please to select a sub-Committee of a few, and to im-  
‘ power them for the discovery of the numbers of oppressed Ministers  
‘ under the Bishops Tyranny for these Ten years last past. We have the  
‘ complaint of some, but more are silent: some are patient and will not  
‘ complain; others are fearful and dare not, many are beyond Sea and  
‘ cannot complain.

‘ And



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‘ And in the second place, that the sub-Committee may examine the  
 ‘ Printers what Books by bad Licences have been corruptly issued forth;  
 ‘ and what good books have been ( like good Ministers ) silenced, clipped  
 ‘ or cropped.

‘ The work I conceive will not be difficult, but will quickly return into  
 ‘ your hand full of weight.

*And this is my Motion.*

Thus far were even some worthy and loyal Gentlemen transported with the popular Torrent, and not being aware of the Snake that lay under the Grass, they did not perceive whither these Heats would drive them till they were mortally stung themselves, which was this Gentlemans case exactly, as will hereafter at large appear.

This was seconded by another Speech of the same nature by Sir John Wray as followeth :

*Mr Speaker,*

Sir John Wrays  
 Speech No. 21.

‘ **B**Y the Report made from the Committee of Religion, you may see to  
 ‘ what an exorbitant height Popery is grown; and yet how slowly we  
 ‘ go on to suppress it; I fear God is displeased with us, or else no disaster  
 ‘ should have prevented the sealing of our Covenant, when intended: And  
 ‘ I hope it shall be performed the next Sabbath. Had our Fast been ac-  
 ‘ cepted, and our outward humiliation cordial, no blow should have di-  
 ‘ stracted our preparations. Mr. Speaker, If we had taken the good Coun-  
 ‘ sel of our Teachers at the Fast, and believed their Report we had done  
 ‘ well, and by this time no doubt we might have found out *Achan*, with his  
 ‘ Wedge of Gold, and Babylonish Garments: but we have spent our time  
 ‘ only in pilling off the bark, and snatching the boughs and the branches  
 ‘ of Popery, and that will do no good, for they will grow thicker and har-  
 ‘ der; what must we do then, Mr. Speaker, to preserve our Religion safe  
 ‘ and sound, to us and our posterity, that our golden Candlestick be not re-  
 ‘ moved? Why, the only way is to fall to our work in earnest, and lay the  
 ‘ Axe to the root, to unloose the long and deep Fangs of Superstition and  
 ‘ Popery: which being once done; the bark will soon fall down. Let us  
 ‘ then Mr. Speaker, endeavour a thorough Reformation, for if it be imper-  
 ‘ fect, it will prove the seed of dissolution, if not desolation ( which God  
 ‘ forbid ) and to prevent that, I shall humbly move that the Groves and  
 ‘ high places of Idolatry may be removed, and pulled down, and then  
 ‘ Gods wrath against *England* will be appeased; until then never.

Thus did the speaking Members of the House declaim upon this popular Theme of Arraigning the Hierarchy with degenerating into Popery, and it is obvious what use they made of the Exhortations of the Pulpit to carry on the *Scotish* Presbyterian Design of Church Government, which was to be built upon the Ruins of Episcopacy, and the Ax must be laid to the Root and Branch of that Tree, upon the pretended guilt of Episcopacies degenerating into Popery.

Monopolists.

Then the House fell upon the Consideration of Monopolists and voted, That all that had advised them should be enquired after, notwithstanding which Vote the Lord *Kimbolton* whose Father the Earl of *Manchester* was certainly the greatest Monopolist in *England*, being a person highly



highly zealous against Episcopacy, found so much grace and favour as to escape the severity of this Inquisition, which was designed only as Physick to purge the House of some loyal Gentlemen who upon those terms had supplied the King with money against the Scots, and for his other extraordinary occasions.

Petitions also from the *Salters, Dyers* and *Grocers* were read and referred to the Committee of Grievances.

A Committee was also Nominated and Impowered to enquire into the High Constable and Earl Marshals Court, the Fees thereof and of the Heralds, with power to send for Persons, Papers and Records, &c. according to the Customary Form then given to Committees upon Examinations or Inquiry into Affairs before them.

A message was then read from his Majesty to this effect, That his Majesty takes notice of a foul and horrible Fact committed on Saturday last in his own Palace upon Mr. *Haywood* while in the service of the House; and does recommend it to the Parliament to take Course for a speedy and Exemplary punishment of it.

Whereupon it was ordered, That the humble thanks of the House should be returned to his Majesty for this gracious Message, and the great care therein express'd for the safety and preservation of this Assembly, and a Committee was ordered to enquire into the Fact.

Various were the Opinions and Conjectures of People about this Fact of Mr. *John James* the Son of Sir *John James* of *Feversham* in *Kent*, some affirming that it was done in revenge of Mr. *Haywood's* having upon some misdeameanor about two or three years before Committed him to Prison; others said it was because Mr. *Haywood* who was a Justice of Peace had procured a Roll of all the names of the Recusants which inhabited within the City of *Westminster* in order to deliver them to the Committee; and though certainly he was little less than a Mad-man; yet this latter was the prevailing and countenanced Opinion, and helped to swell those Fears and Jealousies of the dangers of Popery and Papists, which were afterwards made use of so much to his Majesties disadvantage, and were so serviceable to incense the minds of the Populace against the King and the Government.

This day a Petition was preferred by some Citizens of *London* about the Papists, which together with Mr. *Haywood's* Catalogue, were referred to the Committee for enquiry after Papists.

The great business of these two days was concerning the Earl of *Stratford's* charge, and drawing up Interrogatories to examine Witnesses against him, upon which debates the Doors of the House were locked up.

It was moved in the Lords House that one *Philip Bernardo* an *Italian* and Popish Recusant hath spoken scandalous words against the *English* Peers which Petitioned his Majesty in the North, viz. What will you say, if that some of the Lords Petitioners be found to have a hand in bringing in the *Scotish* Rebels into *England*? that the Lord Chief Justice hath taken his Examination and the Information in the business, and afterwards committed the said *Bernardo* to Prison, and it was ordered by the Lords that the said *Philip Bernardo* shall continue in Prison until he be sent for by order of this House.

This day the Lord *Wentworth* was introduced after the usual manner and solemnity into the House of Peers and placed next above the Lord *Wharton*.

Dr. *Cousins* and Dr. *Layfield* against whom Informations were given fell under

1640.

Earl Marshals Court.

Message about Mr. *Haywood* who was stabbed at *Whitehall* on Saturday.

Thanks of the House returned.

London Petition about Recusants.

Tuesday and Wednesday, 24 25 Nov.

*Bernardo* an Italian Committed Prisoner.

Lord *Wentworth* introduced into the House of Peers.

Dr. *Cousins* his accusation.



1640.  
Norton a Minister examined about him.

under Consideration. Upon Tuesday one *Norton* a Minister being examined about Dr. *Conings*, Deposed that certain Fellows of *Peter-House* intended to seduce his Son to Popery, pretending that Dr. *Conings* would make him Fellow; that thereupon he was forced to send for his Son: that the Questions disputed of in *Peter-House* Chappel are maintain'd and held as they are at *Rome*.

It is very observable with what industry every thing though, never so inconsiderable, was improved to fix this Design of bringing in Popery, upon all such as were zealous for Decency and Uniformity in the Church; otherwise what little Credit could be given to a raw Boys complaint to his Father, who could not tell what Popery was, more than according to the common Fame which called all that Popery which was contrary to the Discipline of the Presbyterians. I have already said what may sufficiently vindicate the memory of that Prelate, and indeed this loose Accusation is it self a vindication of him, it being more than probable the foundation of this Crimination was rather grounded upon the young mans missing the hopes of a Fellowship, than any seducements from persons, who have no names in the Accusation, but certain Fellows, to Popery upon the hopes of Preferment, and the issue proved the invalidity of the Accusation, for after all the indeavours used to prove the Dr. a Papist, nothing could be found that would hold water; however his *Monita pro Sacello Coll. Sancti Petri Cantabrigiensis* were read, and the whole businets referred to the Consideration of Mr. *Smart's* Committee.

Dr. *Layfield's* accusation.

Mr. *White* upon *Wednesday* reported from the Committee of Religion that Dr. *Layfield* hath set the Communion Table Altar wise, caused Rails and ten several Images upon them to be set up; that he bowed three times at his going up, three times within the Rails, and as often at his coming down: that since the Images were upon complaint of the Parish taken away he bowed but twice, that he had caused *I. H. S.* to be set in letters of Gold over the Table, and in forty places in the Church, that when the Images were taken down he charged them with Sacrilege; that he had said that the People saw Christ before with faith, but now with their fleshly eyes; that he refused to give the Sacrament to any that did not come to the Rails; that he told the People that they must confess their sins to him, and that he had power to forgive them.

Upon which he being a member of the Convocation there was some debate about his priviledge, the Statute of the 8 *H. 6. c. 1.* declaring the Clergy of the Convocation should thereafter fully use and enjoy such liberty and defence in coming, tarrying and returning as the Great men and Commonalty of the Realm of *England*, called or to be called to the Kings Parliament do enjoy and were wont to enjoy, or in time to come ought to enjoy, but at last it was ordered,

That Dr. *Layfield* though a member of the Convocation shall be sent for into Custody of the Serjeant at Arms attending the House.

Thus were the Informations of the discontented Non-conformists cherished and believed, and Sculptures designed only for Ornament suggested to be brought in to the Church for Adoration, though the Canon before recited about the Ceremonies, had sufficiently vindicated the Clergy from any such Intentions, but there was a necessity to accumulate a charge of Idolatry and Popery even by wresting all their words and actions to the sense of their Enemies and Accusers, though never so remote from truth, and their intentions, in order to the great design of a *Scottish* Reformation by extirpating Episcopacy Root and Branch which how-

ever



ever it was not yet seasonable to Declare, was a thing forelaid between the Scots Covenanters and their Presbyterian Brethren of *England*; as the Conduct of their design and the future Actions of the party will manifest beyond all Contradiction.

A debate was about the new Canons, as also about raising Money, a Petition from *Somersetshire* referred to the Committee of 24.

Friday the Lord *Hunsden* was introduced in the accustomed manner into the Lords House and placed next below the Lord *Chandois*.

The business of Alderman *Abel* and the Vintners was debated, and *Abel* ordered to be sent for into Custody.

Sir *Arthur Ingram* Reports, that the day in which *James* did the Fact of stabbing Mr. *Haywood* in *Whitehall*, he was not Lunatick; that being searched nothing was found among his Papers of any moment, only a Letter from *Toby Matthews* to counsel him against committing such outrageous Actions: whereupon it was recommitted to the same Committee with the Addition of seven or eight more to consider of the Fact and what punishment to inflict upon him.

The House then fell upon the Judgments given in the Exchequer by the Judges, whereby they expounded the Statute of 1 Jac. which gave Tonnage and Poundage to King *James* only for his life, that it should extend to the King that is now; and a Committee was appointed to examine the proceedings in the Exchequer upon Tonnage and Poundage since the death of King *James*.

And here I cannot omit a passage in a Printed Account of the proceedings of the Parliament. This day (saith he) also Mr. *Pym* the Great Parliament-man declared, *That they would make the King the Richest King in all Christendom; and that they had no other Intention, but that he should continue their King to govern them; and pressed that he might have Tonnage and Poundage granted him by Act of Parliament which took well in the House; but stood upon it to have grievances first reformed, and so it was left at large.*

So early it seems did they themselves think they gave sufficient Umbrage that they designed to Unking him, that they were obliged to protest against such thoughts, and how well their intentions of making him Great and Rich, agreed with their words, this early specimen of letting the consideration of Legally Establishing his Revenue, lie *sine die* makes it most obvious.

Dr. *Cousins* Petition was read and referred to the Committee for Mr. *Smart*: Also a Petition from *Bambury* read and referred to the Committee for Religion.

The House entred upon Consideration of his Majesties late Proclamation concerning the disarming and banishing Papists from *London*, upon which Mr. *Glyn* Reports from the Committee appointed to consider about Recusants, That they think the Proclamation defective, and that the issue and effect is not according to his Majesties gracious intention, particularly in that clause, (except licence had thereunto) so that if they can procure it from his Majesty, (which the Committee thinks they cannot) or from the Lords of the Council, Bishops, Lord Lieutenant or Deputy-Lieutenant, they are not within its force. Secondly, If they be not Recusants convict they cannot be disarmed. Thirdly, They find many Recusants have Letters of Grace to protect them in their Persons and Estates. Fourthly, It is to depart to their own dwelling Houses, which many of

Dddd

them

6 4 0.

Thursd. No. 26.

Lord *Hunsden* introduced into the Lords House.  
Friday No. 27.  
Report concerning *James* who stabbed Mr. *Heywood*.

Tonnage and Poundage debated of.

A perfect Journal, &c.  
Vol. 1. Printed for Chapman next door to the Fountain Tavern in the Strand.

Saturd. No. 28.

The Kings Proclamation against Recusants voted insufficient.

An oblique reflection upon the King.



1640.

Brewer an  
Anabaptist  
released by  
the Lords.

Pryn and  
Burton enter  
London in Tri-  
umph.

Sunday 29.

The outrage  
of Pool and  
Haward two  
Dissenters at  
Halsted in  
Essex.

them have in *London* and *Westminster*: upon the debate of the House re-committed to the same Committee, and they are to draw a Bill, and Petition to be presented to the King about this Affair.

This day one *Thomas Brewer* a Great Anabaptist, who had been imprisoned Fourteen years upon a Censure in the High Commission Court was set at liberty by the Lords giving his own word for his forth-coming and to abide their Lordships Order.

This day also Mr. *William Pryn* of *Lincolns Inn* who makes so great a figure in the future transactions of this History, and Mr. *Burton* his fellow Criminal and Sufferer, according to a late Order of the House of Commons came to *London* from their Banishment and Confinement. They were met by some thousands of Horse and Foot of the Presbyterian party, who with Rosemary and Bays in their Hats and Hands, conducted them in a kind of Ovation or Triumph into *London*, which certainly as it was no better than an unlawful Rout, and done in affront to his Majesty, the then Laws and Courts of Justice from which they had received their sentence and punishment, yet was so far from being discountenanced by the Commons, that it was not only connived at but secretly encouraged by some very eminent persons in both Houses, who where therefore friends to Mr. *Pryn* and Mr. *Burton*, because they were known Enemies to the Bishops.

Upon Sunday the House of Commons received the Sacrament before whom Preached in the Morning Mr. *Gauden*, upon Zach. 8. xix. *Thus saith the Lord, the Fast of the Tenth moneth shall be to the house of Judah joy and gladness; therefore love the Truth and Peace;* not without some warm reflections against the fears of Popery, Innovations, Altars, Sacrifices, Images and those other Popular Themes which then had all the vogue, and help'd to inflame the Reckoning which was preparing for the Archbishop of *Canterbury* and the rest of the Bishops.

Upon Monday the Lord Keeper signified to the House of Lords, That his Majesty had commanded him to let their Lordships know, That he was yesterday at Council-Table informed of a great Disorder and Riot committed in the Parish Church of *Halsted* in the County of *Essex* on *Simon and Jude's* day last past by one *Jonathan Pool* an Excommunicated Person, who in the time of Divine Service took the Parish Clerk by the Throat and forced him to go into the Vestry and deliver to him the Surplice and hood, which he with others with him rent in pieces; and likewise one *Robert Haward* strook the Service-Book out of the Curates hand, and himself did with others kick it about, saying it was a Popish Book: so upon the complaint of Mr. *Etheridge* the Minister a Warrant was directed to the Constable of that Town, and that the said *Pool* and divers others were attached but were immediately rescued by a multitude of People as may more at large appear by a Letter dated 26 of November subscribed by *Benjamin Aylet* Knight, *Thomas Wiseman* Knight, directed to the Honourable the Earl of *Warwick* and the Lord *Maynard* Lord Lieutenant of the County of *Essex*; the Examination of the proceedings whereof his Majesty doth recommend to the Justice and Wisdom of this Honourable House for the preventing the like disorders hereafter; whereupon it was ordered that the said *Jonathan Pool* and *Robert Haward* be speedily sent for to appear before this Honourable Court as Delinquents, and that Mr. *Etheridge* have notice secretly to appear here and to bring up such Witnesses with him as can make this complaint good.

Mr.



Mr. *Rouse* Reports that *Wilson* was sequestred from his living of Sixty pound *per annum* for Four years, *viz*, from 1634 to 1638 by the Archbishop for not reading the Book of Sports, and prosecuted in the High Commission-Court for not reading the Prayer of the last Edition commanded by the Archbishop.

Then a Petition from the Parliament of *Ireland* to the Parliament of *England*, as also another from the House of Commons there to the King were read.

Sir *William Udal* ordered to receive 50000 *l.* to be conveyed to *Rippon* to be disposed of according to the order of the House; Thirty thousand pounds to the Army, and 20000 *l.* to the relief of the Northern Counties. 25000 *l.* was borrowed of the City, and 25000 *l.* lent by one *Harrison* a Member and Monopolist, in hopes to mitigate his offence and obtain the favour of the House.

Ordered, That the Lord General be desired by Message to remove all Papists, Commanders in the Army, or suspected to be Papists, and to put Protestant Commanders in their Places ; and that some Honourable Person be desired to move his Majesty, that all Papists that are in any Town or Garison in Command may be removed, and Protestants put in their Places, and Mr. Treasurer to be the Person that should move it.

Mr. *Glyn* Reports from the Committee to inquire for Papists, &c. The Examination of the two Messengers, and of the two Prisons *Newgate* and the *Clink*: That Sixty four Priests and Jesuits have been discharged in one year, some indicted, some Convict of High Treason, but all Priests, some by Privy Signet; others by Warrants from the Lords of the Council, most by Warrants from one of the Secretaries of State, by name Secretary *Windebank*,; That in Six or seven years, Seventy four Letters of Grace have been granted to Recusants, as appears by entry upon the Records, some of these Letters are Warrants to protect them wherever, as particularly one granted to one *Musket* a Priest condemned thirty years since.

Of these Warrants and Discharges, there are very few under the Kings hand, and of those few, not any one of them: but at the request of Foreign Embassadors, or the Queen Mother, and commanding strictly, that the Messenger shall see them go out of the Kingdom: and such (saith the Reporter) is his Majesties care, and here I speak it to clear his Majesty, only one Warrant for one *Moss* under the Kings hand by misinformation, the King being informed that he was only Indicted and not Convicted.

Other Warrants there are under the hands of the Lords of the Council, and to each Warrant except one an Archbishops hand; Twenty nine Warrants under Secretary *Windebank's* hand. One *Carrel* a Secular Priest who had been a Prisoner thirty years, discharged from the *Clink* by Secretary *Windebank* by Warrant verbal only: A Dominican Fryer also by a verbal Warrant; the Fryer told the Keeper he was employed about matters of State, and that Secretary *Windebank* knew it. One *Edward Moore* a Priest committed by Warrant under the Kings own hand, and discharged by Secretary *Windebanks* Warrant without knowing the Kings pleasure. One *Thomas Holm* discharged by the Kings one hand, and commanded to be shipped, but returning again into the Kingdom, and taken a second time, discharged by Secretary *Windebank*. *Moss* condemned for a Jesuit, and seducing the Kings People from the Religion now professed, and *John Southworth* a Priest, both discharged by Mr. Secretary *Windebank*.

Upon the 15<sup>th</sup> of March 1639. The Parishoners of St. Giles's humbly  
D d d 2 Petitioned

1640.

*Manday No. 30.  
Wilsons com-  
plaint against  
the Archbi-  
shop.  
Parliament of  
Ireland Petiti-  
on the Parlia-  
ment of Eng-  
land.  
50000 l. Or-  
dered to the  
Army.*

**Lord General  
to remove  
Papist Officers  
in the Army.**

**Tuesday Dec. 11**  
**Mr. Glyn's**  
**Report about**  
**Jesuits and**  
**Priests dis-**  
**charged.**

A vindication  
of the King  
in point of  
granting dis-  
charges to  
Recusants.



640.

Petitioned the Lords of the Council, setting forth the increase of Papists in their Parish, most of the Inhabitants Papists, and did instance in particular of three Priests, whereof *Southworth* and *Moss* were two, that go about to seduce the People of the Parish, by name, and therefore did humbly pray the Lords of the Council to suppress those Priests: their Lordships gave Order to prosecute them, whereupon, *Newton* got both these Priests, and convicted them of High Treason, notwithstanding which they were both discharged by Mr. Secretary *Windebank*.

Besides fourteen Jesuits and Priests discharged out of the Custody of *Grey* and *Newton* by Secretary *Windebank*, who testifie that one *Smith* a Priest called *Gunpowder Smith*, was bailed by Mr. Secretary *Windebank* and had a Note under his hand that no man should attach or trouble him. These are discharged without expressing any direction in the Warrants. One *Thresheld* a Messenger having a Warrant to apprehend a Priest, repaired to Mr. Secretary, to the End *Grey* might be Employed, the Secretary Answered, he would lay him by the heels if he kept *Grey* Company, these men were discountenanced by the Secretary. One *Goodman* a Priest committed to *Newgate* and being upon his discharge, *Thresheld* the Messenger demanded his Fees, and there being some difference about it, Mr. *Read* the under Secretary writes to the Priests,

Gentlemen,

*MR. Thresheld hath spoken with Mr. Secretary, and his Honour thinketh fit you pay the Fees you agree on, for it will be a means to keep you more free from Trouble hereafter, so resting your Loving Friend to serve you.*

Ro. Read.

*Birket* a Messenger had in Custody one *Popham* a Priest, and was to bring him before the Lords, but Mr. Secretary *Windebank* commanded the Messenger to let him go, and he would see him forth-coming, but to this day never heard more of the Priest, though he Petition'd about it. A Petition was also preferred to his Majesty by one *George Parret* in his own name, and in the behalf of four Priests and Jesuits more, stiling themselves to be of the number of his Majesties most Loyal Subjects, and though this man was condemned for High Treason; yet upon this bold Petition, by signification under Mr. Secretary *Windebank*'s hand, proceedings against them were staid.

There were sixty four Letters of Grace to stay Prosecution against Papists, directed to several Counties, to several Judges; short Entries of these Letters are made in the Signet Office, as is testified by one Mr. *Palsford*.

*Grey* and *Smith* Affirm, That the Secretaries House is the place of Resort for these Priests and Jesuits; That in Thirteen Years time, for III. Car. there hath been but 4080 *l.* levied on Recusants, by virtue of any Process out of the Exchequer, as appears by Certificate under Mr. *Long*'s hands. For these Discharges of Priests and Jesuits, not one of them standeth with the Rule of Law, when they are Indicted or Convicted; The King is indeed the Fountain of Justice and Mercy, and the Law doth Allow it, and that he hath Power to shew Mercy upon any of his Subjects, but in such Cases the King's Prerogative speaketh

The Kings  
Prerogative in  
pardoning ac-  
cording to  
Law.



1peaketh by his Privy Seal, Signet, or Great Seal, and ought to discharge by Record; but to send signification of pleasure is against Law, for a Minister either verbally or by warrant under his own hand, not only to discharge men condemned, but to command no further prosecution, the Committee doth conceive in so doing he doth not discharge his Duty. Then for Letters of Grace the poor are wronged, for by the Act they are to give twelve pence each Sunday to the Poor, so that by these Injunctions the Recusants are kept from being Convict, and the Poor lose their due.

After this Report were read the several Originals therein mentioned, viz. a Letter from Mr. Secretary *Windebank* to the High Sheriff of *Sussex*.

A Letter of Grace at the Mediation of the Queen Mother for Sir *Henry Beddingfield* and his Family. *Perrot's* Petition. A Warrant under the Kings own hand for the Commitment of *Ed. Moor* to the *Clink*, and a Warrant from Mr. Secretary *Windebank* to the Keeper of the said Prison to discharge him. The Petition of the Parishioners of *St. Giles* in the *Fields*.

Whereupon it was Ordered, That Mr. Secretary *Windebank* answer to these Informations to morrow, and that he have notice of it.

Mr. Treasurer Reports his Majesties Answer to the Message concerning Popish Commanders in the Army, That the King knows not of any Papists Commanders in any Garrisons, *Barwick* or *Carlisle*, or in any other Forts; and that he hath given command to send to the Governors of both the said Garrisons to return him the names of all Papists, Commanders or Officers, and that the Lord General will as soon as possible return an answer in writing.

*Thursday* the Third of *December*, the Lord Keeper acquaints the House that the Lord Chief Justice hath received a Writ of Error to reverse in present a Judgment given in the *Kings Bench* in the Cause between *Hide* and *Lloyd*, the Record being at the Door, the Lord Chief Justice went and brought into the House the Record and the Transcript, and having made three obeysances before he came to the Barr, and then after three obeysances more he laid them down upon the Lord Keepers Woolfack: the Clark received the Record and the Transcript and brought them to the Table; and the House being adjourned, the Clark Examined the Transcript by the Record, and afterwards returned presently the Record by the Officer that brought it.

*Memorand'*, That upon the Examination of the Transcript with the Record in the said Writ of Error between *Hide* and *Lloyd*, the word *ibid.* was a word too much, which was amended according to the Original in the presence of the Lord Chief Justice at the Clarks Table.

Ordered by the Commons, That the Serjeant have leave given him by the House to take Bail for Mr. *Richard Kilvert*, Mr. *Peter Wood*, Dr. *Cosins*, Dr. *Layfield*, Alderman *Abel*, Mr. *Wilson*, Mr. *Conradus*, Mr. *Forth*, Sir *H. Spiller*, and Mr. *Jo. Moore*, after he hath first presented the names of their several Bails to the House, and the Sums they are to be bound in, and that the House hath allowed of them.

This day Mr. *Prin* and Mr. *Burton* presented a Petition against their Sentence in the Star Chamber, and being called in, avowed their Petition to be true, whereupon they were referred to the Consideration of a Committee.

1640.

Wednesday  
Decemb. 2.  
The King's  
Answer to the  
Message about  
Popish Com-  
manders in  
the Army.

Writ of Error  
brought in to  
the Lords  
House, the  
manner, and  
how amended.

Thursday  
Decemb. 3.  
Serjeant Or-  
dered to take  
Bail for divers  
persons in  
Custody.

*Prin* and *Bur-*  
*ton* Petition.



I 6 4 C.

Petition  
against the  
Judges in the  
Lords House.

Friday, Dec. 4.  
Cessation of  
Arms between  
Scots and En-  
glish for a  
Month.  
Windebank  
flies.

Mr. Secretary  
Windebank's  
Letter to the  
Lord Cham-  
berlain from  
Calis.

A Petition was also preferred in the House of Lords by one Mr. Freeman, complaining that he had been denied Justice by Judge Brampton, Judge Jones, and Judge Berkley, in the Kings-Bench, shewing the matter of Fact.

Whereupon the Lord Say stood up and affirmed that he himself had been used in the like manner by the same persons, upon which the Consideration and Examination of the matter was referred to a Committee of Lords.

Upon Friday the business of the Scottish Treaty came under Consideration, and it was agreed to a Cessation of Arms between the two Kingdoms for a month, if the Treaty shall hold so long.

This day Secretary Windebank together with his under-Secretary Read, perceiving the Storm which was coming, and which would infallibly have sunk them, withdrew, and passed over into France; and from Calis writ this following Letter to the Lord Chamberlain in his own Vindication.

My Lord,

**I** Ow my self to your Lordship, for your late favors; and therefore, much more the account of my self, though the debt in either respect, be of little consideration; and the calling of both may be of greater advantage to you, than to continue be Obligation.

This account had been presented to your Lordship, at my first arrival here with my first dispatches, but I was so mortified with my hazardous passage in an open Shallop, and so perplexed with the thoughts of the miseries, into which I find my self plunged, and besides, the departure of the Messenger that carried those Letters, was so suddain, that it was not possible to perform this duty to your Lordship sooner; For the which I do most humbly crave pardon: your Lordship may now please to accept the expressions, from the saddest and most wounded soul in the whole World, who am a spectacle of misery in my self, in my distressed Wife and Children, and in my whole Fortunes, who have left the attending of my Sovereign and Master, and access to the best Prince in the world, who am become a scorn and by-word to all the world, both at home and abroad, a Wanderer, an Exile from mine own Countrey, now in the declination of my years, and likely to end my dayes, in a remote Countrey, and far from the comfort of all my friends; What I am guilty of none knows so well as his Majesty, whom I have served faithfully, diligently, painfully, and with as true and loyal an heart, according to my poor abilities, as any other whatsoever; and if I found my Conscience charged with any crime of baseness, corruption, infidelity, or any thing else unworthy of a Gentleman, I should not venture to address these complaints to your Lordship, or to any other person of Honour, in this disconsolate estate, being an object not altogether unworthy of your Lordships compassion, be it for no other respect, but that I have long served the King and Queens Majesties, I doubt not but your Lordship, in your generosity and goodness, will have a lively sence and feeling of my sufferings, and vouchsafe me such relief as in your Honour you may; and if my self, who by course of Nature cannot be now of long continuance, be not considerable, I most humbly beseech your Lordship to have pity upon my poor innocent Wife and Children, that they receive such comfort and assistance from you in my absence, that they may be preserved from perishing. And to that end I most humbly crave your Lordships favor to this Bearer my Son, and to give him the Honour of access whensoever he shall make his Addresses to you, wherein you shall do a work of singular charity; and because there is an opinion in the World, that I have much improved my Fortunes by the Roman party, and there hath been some design by my ministry to introduce Popery into England, I shall most humbly crave your Lordships patience in giving me leave to clear those two great Misunderstandings, which if they were true, were sufficient to render me incapable of his Majesties favours, or of the compassion of any person of Honour whatsoever: For the first, it is notorious to all the World that having now served his Majestie in the place of a Secretary above eight years, I have not added one foot of Land to the inheritance left me by my Father, which in Land and Lease was net above 500. pounds per annum, a poor and inconsiderable estate for a Secretary, and such an one as most Secretaries have

more



more than trebled in a short time; for my manner of living, it hath been much under the dignity of a Secretary; and if I had not been very frugal, I could not have subsisted; where then this concealed Mass of Treasure is (I wish those that speak so liberally of it) would let me know; for I do protest to God I am utterly to seek where to discover it, and at this present, I am so unfurnished with monies, that if his Majesty cause me not to be supplied, I am unable to subsist in these parts without exposing my Family in England to the danger of starving, and yet neither my purpose nor inclination is to live otherwise here, than in the greatest obscurity and closeness that possibly I may. I assure your Lordship, that those of the Roman party that passed my hands by his Majesties Commandement; were poor distressed creatures, and far from being able to enrich me; and besides, how little I have attended my own private, and how freely and like a Gentleman, I hope I may speak the truth without ostentation, I have done courtesies to all, I wish it should rather appear by the testimonie of such as have made use of my services, than by mine own. My Father and I have served the Crown of England near 80. years together, in which time, if a greater Estate had been raised, it might well have been justified, considering the great Employments neer the persons of Queen Elizabeth, King James, and his Majesty that now is, we both have had: and your Lordship may believe it (for I avow it upon the faith of a Christian) that it is no more than I have above mentioned, and whether there are not many from less employments have risen to be Noblemen, and made their Fortunes accordingly, I leave to the World to judge.

For the other suspicion of my being a favourer or an advancer of Popery, I protest before the Almighty God and as I shall answer at the last dreadful day, that I know no ground for the least suspicion thereof, neither am I my self, nor is any other to my knowledge guilty of the least thought of any such purpose; For my self I received my Baptisme in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Christian; I do therefore hold this Church of England, not only a true and Orthodox Church, but the most pure, and near the Primitive of any in the Christian World, and this I will be ready to seal with my blood, whensoever there shall be occasion (with this further protestation) that if I did not hold it so, I would not continue in it for any worldly respects whatsoever.

For that which hath passed my hands for favour of that party, it hath been meerly ministerial, as his Majesty best knows, and I must be bold to say that his Majesty hath not been deceived by it, but hath received many greater advantages; besides that, if a Secretary of State should not hold intelligence with the party, is absolute to disable him for the service of the State, and that hath been done always more or less, and so must always continue; Kings and their Ministers of State, have ever had, and might ever have a Latitude according to time and occasion, and cannot be so tied according to strictness of Law as others are, without peril to the Government, therefore when the Roman party were practise and busie about the State, there was reason to be more Strict, but now by the wisdom of the Queen and her good Officers, they are better tempered, less severity hath been used, it being the Prerogative of the Prince to use moderation according to occasion: Further than this I have not had to do with the Roman party, nor thus far but in obedience to my Masters Commandment, which I hope shall not be censured a crime, this being my condition; I most humbly submit it to your Lordships wisdom and goodness, and seeing there is no Malignity in it, nor prejudice to the State, that your Lordship would vouchsafe me your favour and protection and preserve me from perishing.

Callis Jan. 11. 1640.

Your Lordships most humble and faithful  
though much distressed Servant,

Fra. Windebanck.

But such was the misfortune of that Age, that nothing that was said in vindication either of his Majesty or his Ministers from the Design of introducing Popery, could obtain any Credit, and that every thing that was suggested to persuade the People of the inclinations of the Court to favour Popery, found an easie Belief, and was swallowed, or rather devoured with delight and pleasure, and without ever so much as examining or indeavouring to seek satisfaction, by considering the Reasons of State



1640.

Saturday  
Decemb. 5.  
Ship-Money  
Committee.

which might occasion that seeming Indulgence to the Roman Party, which however at present, as you see by the late report of Mr. Glyn's, it was thrown upon the Ministers and taken off from the King, yet was afterwards charged home even upon his Majesty himself by Mr. Prynne, when afterwards a Member of the House of Commons, in a Book intituled, *The Royal Popish Favourite*.

This day a Petition was read from *Watford* in *Hertfordshire* against Ship-Money, whereupon the House fell into debate of that matter, which had so long filled the Nation with Clamor as a most Capital Grievance, and the Consideration of it was referred to this following Committee.

Sir Richard Anslow,  
Sir Guy Palmes,  
Mr. Danse,  
Sir Nat. Barnardiston,  
Mr. Strangeways,  
Sir Peter Hayman,  
Mr. Aston,  
Mr. Goodwin,  
Sir Tho. Hutchinson,  
Sir Harbottle Grimston,  
Sir William Litton,  
Lord Digby,  
Mr. Cecil,  
Mr. Richard Moor,  
Sir Tho. Widdrington,  
Sir Walter Devoreux,  
Sir H. Bellingham,  
Mr. Crew,  
Sir William Massam,

Mr. Hollis,  
Mr. Lutton,  
Sir Oliver Luke,  
Lord Fairfax,  
Mr. Purefoy,  
Mr. Lane,  
Sir Jo. Culpeper,  
Sir Bevil Greenvil,  
Sir Simon D'Ewes,  
Sir William Brereton,  
Sir Hugh Cholmeley,  
Sir Richard Luson,  
Mr. Capel,  
Mr. Trenchard,  
Mr. Vane,  
Lord Wenman,  
Mr. Hide,  
Mr. Stevens,  
Sir Ed. Askew.

and all that will come to have voices at this Committee, except those that either as Sheriffs or other Officers have been employed in the Levying of Ship-Money.

The Lord *Falkland* that Excellent Man, and one of the Wonders of his Age, who afterwards lost his Life in his Majesties Service against the Rebellious Faction, and made a dear atonement for his mistake of these mens Principles and Designs, spoke upon this subject as followeth.

Mr. Speaker,

**I** Rejoyce very much to see this day; and the want hath not lain in my affections, but my lungs. If to all that hath been past I have not been as loud with my voice as any man in the House, yet truly my opinion is, we have yet done nothing if we do no more; I shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that saies it.

I will first desire the forgiveness of the House if ought I say seem to intrench upon anothers profession and enter upon the work of another Robe. Since I have been intrusted by the report of a learned Committee, and confirmed by the uncontradicted rule of the House, since I shall say nothing of this kind but in order to something further; And which moves me most to venture my opinion, and to expect your pardon, since I am confident that History alone is sufficient to shew this Judgment contrary to our Laws, and Logick alone sufficient to prove it destructive to our Propriety, which every free and noble person values more than his possession. I will not profess I know of my self, but all those who know me, know that my natural disposition is to decline from Severity, much more from Cruelty.

That I have no particular provocation from their persons, and have particular Obligations

L. Falkland's  
Speech about  
Ship-Money.



tions to their calling against whom I am to speak; and though I have not so much, yet far more than I have, so I hope it will be believed that only publick Interest hath extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested meat can lie heavier upon the Stomach, than this unsaid would have lain upon my Conscience.

Mr. Speaker, the constitution of this Commonwealth hath Established, or rather endeavoured to Establish to us the security of our Goods, and the security of those Laws which would secure us and our Goods, by appointing for us Judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessory; since if they neither deny, nor delay us Justice, which neither for the great nor little Seal, they ought to do; the greatest Person in this Kingdom cannot continue the least violence upon the meanest; But this security, Mr. Speaker, hath been almost our ruine, for it hath been turned, or rather turned it self into a Battery against us: And those persons who should have been as Dogs to defend the Sheep, have been as Wolves, to worry them.

These Judges, M. Speaker, to instance not them only, but their greatest crime, have delivered an Opinion, and Judgment in an extrajudicial manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers, nor Politicians; In which when that is so absolute and evident, the Law of the Land ceases, and of general reason and equity, by which particular Laws at first were framed, returns to his throne and government, where *salus populi* becomes not only *suprema*, but *sola lex*; at which, and to which end, whatsoever should dispense with the King, to make use of any mony, dispenses with us, to make use of his, and one anothers. In this judgment they contradicted both many and learned Acts and Declarations of Parliaments; and those in this very case, in this very reign, so that for them they needed to have consulted with no other record, but with their memories.

2. They have contradicted apparent evidences by, supposing mighty and eminent dangers, in the most Serene, quiet, and halcion daies that could possibly be imagined, a few contemptible pirats, being our most formidable enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3 They contradict the Writ it self, by supposing that supposed danger to be so suddain, that it would not stay for a Parliament, which required but forty daies stay, and the Writ being in no such haste, but being content to stay seven times over.

Mr. Speaker, it seemed generally strange, that they saw not the Law, which all men else saw, but themselves. Yet though this begot the more general wonder, three other particulars begot the more general indignation.

The first of all the reasons for this judgment, was such, that they needed not any from the adverse party to help them to convert those few, who before the last suspicion of the legality of that most illegal writ, there being fewer that approved of the judgment, than there were that judged it, for I am confident they did not that themselves.

Secondly, when they had allowed to the King, the sole power in necessity, the sole judgment of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perswade us that they had left us our liberties and proprieties.

The third and last is, and which I confess moved most, That by the transformation of us from the state of free subjects (a good phrase Mr. Speaker, under Doctor Heylens favour) unto that of Villeins, they disable us by Legal and voluntary supplies to express our affections to his Majesty, and by that to cherish his to us, that is by Parliaments.

M. Speaker, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had, that we should yet suffer; is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that by policy he might do, what he pleased; with the first of these we are now to deal, which may be a leading to the rest. And since in providing of these Laws, upon which these men have trampled, our Ancestours have shewed their utmost care and wisdom, for our undoubted security, words having done nothing, and yet have done all their words can doe, we must now be forced to think of abolishing of our grievances, and of taking away this judgment, and these Judges together, and of regulating their successors by their exemplary punishment.

I will not speak much; I will only say we have accused a great Person of high Treason, for intending to subvert our fundamental Laws, and to introduce arbitrary Government, which we suppose he meant to do, we are sure these have done it, there being no Law more fundamental, than that they have already subverted, and no government more absolute, than they have really introduced: Mr. Speaker, not only the severe punishment, but the



1640.

suddain removal of these men, will have a suddain effect in one very considerable consideration.

We only accuse, and the House of Lords condemn; In which condemnation they usually receive advice (though not direction) from the Judges, And I leave it to every man to imagine how prejudicial to us, that is, to the Common wealth, and how partial to their fellow malefactors, the advice of such judges is like to be. How undoubtedly for their own sakes, they will conduce to their power, that every action be Judged to be a less fault, and every person to be less faulty, than in Justice they ought to do; Amongst these, Mr. Speaker, there is one that I must not lose in the crowd, whom I doubt not but we shall find, when we examine the rest of them, with what hopes they have been tempted, by what fears they have been assaid, and by what, and by whose importunity they have been pursued, before they consented to what they did; I doubt not I say, but we shall then find him to have been a most admirable Solicitor, but a most abominable Judge; he it is who not only gave away with his breath, what our Ancestors had purchased for us by so large an expence of their time, their care, their treasure, and their blood, and imployed their industry, as great as his injustice, to perswade others to joyn with him in that deed of gift: but strove to root up those liberties which they had cut down; and to make our grievances immortal, and our slavery irreparable, lest any part of our posterity might want occasion to curse him; He declared that power to be so inherent to the Crown, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I think here that common Fame is ground enough for this House to accuse upon; And then undoubtedly there is enough to be accused upon in this House: he hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell you newes, when I tell you it is my Lord Keeper. But this I think fit to put you in mind, That his place admits him to his Majestie, and trusts him with his Majesties Conscience, and how pernicious every moment, whilst one gives him means to infuse such unjust opinions of this House, as are exprest in a Libel, rather then a Declaration, of which many believe him to be the Principal Secretary, and th'other puts the most vast and unlimited power of the Chancery into his hands, the safest of which will be dangerous, for my part, I think no man secure, that he shall think himself worth any thing when he rises, whilst all our Estates are in his breast, who hath sacrificed his Country to his ambition, whilst he who hath prostrated his own Conscience, hath the keeping of the Kings, and he who hath undone us already by wholesale, hath a power left in him by retail.

Mr. Speaker, in the beginning of the Parliament he told us, and I am confident, every man here believes it before he told it, and never the more for his telling, though a sorry witness is a good testimony against himself; That his Majestie never required any thing from any his Ministers but Justice, and Integrity. Against which, if any of them have transgressed, upon their heads, and that deservedly, it ought to fall; It was full and truly; but he hath in this saying pronounced his own condemnation; we shall be more partial to him than he is to himself, if we be slow to pursue it. It is therefore my just and humble motion, That we may chuse a select Committee to draw up his and their Charge, and to examine their carriage in this particular, to make use of it in the Charge, and if he shall be found guilty of tampering with Judges against the publick Security, who thought tampering with Witnesses in a private cause, worthy of so great a Fine, if he should be found to have gone before the rest to this Judgment, and to have gone beyond the rest in this Judgment, that in the punishment of it, the Justice of this House may not denie him the due honour both to proceed and exceed the rest.

Now for the Readers more full and clear Understanding of this particular, it will be necessary to conduct him a little backward to some Former passages.

In the Year 1628. his Majesty called a Parliament, which being met, the House fell into debate about the Revenue of Tonnage and Poundage, the Grant whereof to King James by Act of Parliament expired with King James. This Duty being so necessary for the Support of the Crown, the preserving of the Sovereignty of the Seas, and securing the Traffique and Commerce of the Merchants, his Majesty had according to the practice of his Illustrious Predecessors Q. Eliz. and King James, caused

to



to be levied of his Subjects, the said King and Queen having done the same before it was granted by Act of Parliament, as appears by the Kings Declaration at large upon the Dissolution of that Parliament.

But so it happened, that some Persons influenced by the Discontented Party, refusing to pay that Duty, and being thereupon sued by Process out of the *Exchequer*, and a stay made of their Goods, the House of Commons took it into their Consideration, and though they all pretended a willingness to settle Tonnage and Poundage upon his Majesty, yet they pretended they could not do it, unless the King would first disclaim all Right to it but by Grant of Parliament, and cause all the Goods to be restored which had been detained by the Officers of the Customs; and in the mean time they fell severely upon the said Officers; whereupon the King sending a Message to them by Mr. Secretary *Coke*, to let them Understand, *That though he gave them thanks for severing the Interest of the Customers from that of his Majesty, yet he was bound in honour to acknowledg as Truth, that what was done by the Farmers, was done by his Majesties Express Commandment and Direction, and that if for doing thereof the Farmers should suffer, it would highly concern his Majesty in his Honour.* Which Message was no sooner delivered, but in a tumultuous manner some of the House called *Adjourn, Adjourn*; which they did accordingly.

Whereupon his Majesty thought fit in order to accommodate the difference, to adjourn them to the Tenth of *March*, which being sent and delivered to the House of Commons by their Speaker, it was straitwayes contradicted by some of the Members, notwithstanding the Speaker acquainted them, *That it was his Majesties undoubted Right to Adjourn as well as Prorogue or Dissolve Parliaments*; for which he also shewed them divers Precedents. But some persons rising up to speak, saying *they had business to do before the House should be Adjourned*, the Speaker again acquainted them with his Majesties Command to Adjourn, and that he would immediately leave the House in order to his attendance upon his Majesty; which attempting to do, two who had purposely placed themselves there, by force endeavoured to keep him in the Chair; but he finding opportunity, got loose from them and left the Chair: but these two and divers others laid hold of him, and by violence brought him back and put him into the Chair, and there held him by main force till a Member of the House offered without any Warrant or Order from the House, a Paper containing a Remonstrance against Tonnage and Poundage, being a kind of Proscription of all such as should advise or assist his Majestie in the Receipt of Tonnage and Poundage, or pay that Duty, declaring them to be Enemies to the State, and requiring it to be read, and that it should be put to the Question; and all this while they kept the Doors of the House locked.

But the King being some way or other informed of this heat, sent for the Serjeant attending their House, whom understanding the Message they detained; then the King sent the Gentleman-Usher of the Black Rod, but he coming to the door and declaring he had a Message from his Majesty, was refused admittance, and being kept at the door a long time, at last they adjourned themselves without taking any Notice of his Majesties Message.

This extraordinary carriage so far from the Duty of Loyal Subjects and so wholly unprecedented in former Parliaments, put the King upon dissolving them; and in hopes Time might allay their Heats and compose their

I 6 4 0.

Kings Works.  
His Majesties  
Declaration,  
fol. 14.



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their Spirits and bring them to a better temper and understanding, put him upon a Resolution for some time rather forbear the calling of any Parliaments, than hazard the Publique Peace of the Kingdom which these intemperate Actions seemed to threaten.

But the necessities of the Crown increasing daily, and the King wanting those Parliamentary supplies which had been in former Reigns voluntarily and frequently granted to his Predecessors Kings and Queens of *England*, to support the Government and Dignity of the Imperial Crown, several expedients were put on foot for the raising money; and among the rest this of Ship money. And that his Majesty might vindicate himself from the common Clamor of Oppression, and raising money upon his Subjects illegally with which his Enemies, who had driven him into those necessities and inconveniences by denying Legal and Parliamentary supplies, endeavoured to load his Government, his Majesty writ this Letter to the Judges desiring their joint Opinion of the legality of it.

His Majesties  
Letter to the  
Judges con-  
cerning Ship-  
Money.

**T**O Our Trusty and Welbeloved Sir John Bramston Knight, Chief Justice of Our Bench, Sir John Finch Knight, Chief Justice of Our Court of Common Pleas, Sir Humphrey Davenport Knight, Chief Baron of Our Court of Exchequer, and to the rest of the Judges of Our Courts of Kings Bench, Common Pleas, and the Barons of Our Court of Exchequer.

Charles R.

**T**Rusty and Welbeloved, We greet you well. Taking into Our Princely Consideration that the Honour and Safety of this Our Realm of *England*, the Preservation whereof is Entrusted to Our Care, was and is more nearly concerned in late. than former times, as well by divers Counsels and Attempts to take from Us the Dominion of the Seas, of which We are sole Lord and Rightful Owner or Proprietor, and the loss whereof would be of greatest Danger and Peril to this Kingdom and other Our Dominions, as many other wayes; We for the avoiding of these and the like Dangers, well weighing within Our Self, that where the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in Danger, there the Charge and Defence ought to be born by all the Realm in General, did, for the preventing so publick a Mischiefe, resolve with Our Self to have a Royal Navy prepared that might be of Force and Power (with Almighty Gods Blessing and Assistance) to Protect and Defend this Our Realm and our Subjects therein from all such Perils and Dangers: And for that purpose We issued forth Writs under Our Great Seal of *England*, directed to all Our Sheriffs of Our several Counties of *England* and *Wales*, Commanding thereby all Our said Subjects in every City, Town, and Village, to provide such a number of Ships, well furnisht, as might serve for this Royal Purpose. and which might be done with the greatest Equality that could be. In performance whereof, though Generally throughout all the Counties of this Our Realm, We have found in Our Subjects great chearfulness and alacrity, which We grationally interpret as a testimony as well of their Dutiful Affection to Us and Our Service, as of the Respect they have to the Publique, which well becometh every good Subject: Nevertheless finding that some few, haply out of ignorance what the Laws and Customs of this Realm are, or out of a desire to be eased in their particulars, how general soever the Charge be or ought to be, have not yet paid and contributed to the several Rates and Assessments that were



were set upon them; and foreseeing in Our Princely Wisdome, that from thence divers Suits and Actions are not unlikely to be commenced, and prosecuted in Our several Courts at Westminster; We desirous to avoid such inconveniencies, and out of Our Princely Love and Affection to all Our People, being willing to prevent such Errors as any of Our loving Subjects may happen to run into, have thought fit in a Case of this Nature to advise with you Our Judges, who We doubt not are well studied and informed in the Rights of Our Sovereignty: And because the Trials in Our several Courts by the formalities of pleading will require a long protraction, We have thought fit by this Letter directed to you all, to require your Judgment in the Case as it is set down in the inclosed Paper, which will not only gain time, but also be of more authority to over-rule any prejudicate Opinions of others in the Point.

Given under Our Signet at Our Court at Whitehall the second day of February, in the Twelfth Year of Our Reign. 1636.

Charles R.

**W**Hen the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England command all the Subjects in his Kingdom at their Charge to provide and furnish such number of Ships, with Men, Victuals and Munition, and for such time as he shall think fit, for the Defence and Safeguard of the Kingdom from such Danger and Peril; and by Law compel the doing thereof in case of refusal or refractoriness? And whether in such case is not the King the sole Judge both of the Danger, and when and how the same is to be prevented and avoided?

To which the Judges returned this Answer.

May it please your most Excellent Majesty,

**W**E have, according to your Majesties Command, severally and every man by himself, and all of us together, taken into serious Consideration the Case and Questions signed by Your Majesty; and inclosed in your Letter: And we are of Opinion, That when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, Your Majesty may by Writ under your Great Seal of England, Command all the Subjects of this Your Kingdom, at their Charge to provide and furnish such Number of Ships with Men, Victuals and Munition, and for such time as Your Majesty shall think fit, for the Defence and Safeguard of the Kingdom, from such Peril and Danger: and that by Law Your Majesty may compel the doing thereof in case of refusal or refractoriness. And we are also of Opinion, That in such Case Your Majesty is the sole Judge both of the Danger, and when and how the same is to be prevented and avoided.

John Bramston,  
John Finch,  
Humphrey Davenport,  
John Denham,

William Jones,  
Thomas Trevor,  
George Vernon,

Robert Berkley,  
Francis Crawley,  
Richard Weston.

Mr Justice Hutton and Mr. Justice Crook were against it, and for Mr. Hambden who was sued for not paying the Twenty shillings taxed upon him for Ship-Money; but afterwards they also subscribed it too. *Vide infra* Lord Keepers Speech, Decemb. 21.

This day an Order was made, That all the Justices of the Peace in all the Counties of England and Wales should prosecute Recusants upon the several Laws and Statutes of the Realm.

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Then

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The Case of the Ship-Money stated.

The Judges Answer.

Opposed by Judge Hutton and Judge Crook.

Munday Dec. 7. Order to put Laws in Execution against Recusants.



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Ship-Money  
Votes.  
Mr. St. Johns  
Report not  
entred in the  
Journal.

Then the House fell upon the Business of Ship-Money, and Mr. St. Johns Reported the State of it from the Committee, to whose Consideration it was referred; but this Report, which is very frequent, is not entred upon the Journal: but upon it the House proceeded to these Resolves.

(1) Resolved upon the Question, *nullo contradicente*,

*That the Charge imposed upon the Subjects for the providing and furnishing of Ships, and the Assessments for raising of Money for that purpose commonly called Ship-Money, are against the Laws of the Realm, the Subjects right of Property, and contrary to former Resolutions of Parliament, and to the Petition of Right.*

(2) Resolved, &c.

*That the Extrajudicial Opinion of the Judges published in the Star-Chamber, and inrolled in the Courts of Westminster, in the whole and in every part of them are against the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Resolutions of Parliament, and to the Petition of Right.*

(3) Resolved, &c.

*That the Writ, and Writs commonly called the Ship-Writs, are against the Laws of the Realm, the Subjects Right of Property, &c. ut supra.*

(4) Resolved, &c.

*That the Judgment in the Exchequer in Mr. Hambden's Case in the matter and substance thereof, and in that it was conceived that Mr. Hambden was any way chargeable, is against the Laws of the Realm, &c. ut supra.*

A Committee  
to Examine  
the Judges  
about Ship-  
Mony.

A Committee was also appointed to go to the Judges to know if they were solicited or threatned, and in what manner, and by whom, to give any Opinion or Judgment concerning Ship-Mony, and two of them to go to every Judge, *viz.*

Lord Falkland,  
Sir Jo. Culpeper,  
Sir Miles Fleetwood,  
Mr. Pierrpoint,  
Mr. Crew,  
Sir Fra. Seymour,

Mr. Hollis,  
Mr. Kirton,  
Sir Guy Palmes,  
Sir Jo. Strangeways,  
Mr. Perd,

Mr. Hide,  
Mr. A. Goodwin,  
Sir William Litton,  
Lord Wenman,  
Sir Arthur Haslerigg.

and to acquaint the Judges with the Votes which had passed the House upon this Affair,

Information  
against *waferer*  
for Words  
against the  
Petitioning  
Lords.

This day Information was given against one Mr. *Waferer* Parson of *Compton* in *Surrey*, for having spoken Scandalous words concerning those Lords that Petitioned his Majesty in the *North*; saying that *Zeshly* did not stick to say that the *Southern* Lords were the cause of his coming in; and that this he spoke openly in the hearing of Divers others. Whereupon it was Ordered, That the said *Waferer* should be sent for to morrow to appear here as a Delinquent, and the Witnesses to be here to testify the words.

Tuesday, Dec. 8.  
Electi n of  
*windsor*.

Upon a Difference about the Election of Burgesses for *Windsor*, the Opinion of the Committee for Elections was, That the Charter being an



an Incorporation, *Reg. E. 4.* of the Inhabitants they ought to choose, and not the Special Men, *viz.* Major, Bailiffs and Burgeffes, of late it had been both by them and the Commonalty.

This day Sir *George Ratcliff* having surrendred himself into the hands of the Speaker of the House of Commons, was committed Prisoner to the *Gate-House* close Prisoner, no person to be permitted to speak to him but in the presence and hearing of his Keeper.

A Committee was also appointed to Examine the Canons, Benevolence and Writs, by virtue of which the late Convocation sate after the Parliament was dissolved.

This day Mr. *Etheridge* the Minister of *Halsted* in *Essex*, Mr. *Carter* his Curate, *William Till* Parish Clerk, *Benjamin Parson*, and *Thomas Chadwick*, were Examined at the Barr of the Lords House about the Riot committed by *Pool* and *Haward* at *Halsted* upon *St. Simon* and *Jude's* day last; and the House being informed that some of the Actors were fled, It was Ordered, That the Lord Lieutenants do command the Deputy-Lieutenants and Justices of the Peace to take the best care they can for the apprehending of these Delinquents.

An Order was passed for Mr. Secretary *Windebank* peremptorily to appear and make answer to the accusation Charged upon him; and in case he do not appear, a Message to be sent to the Lords to desire them to move his Majesty to issue out his Proclamation against him to bring him in.

The House then fell into debate about Money for the Army, and the Relief of the *Northern* Parts, and came to this Resolution, to grant Two Subsidies: and that Sir *William Udal* should dispose of the 50000 l. borrowed of the City and others, according to my Lord of *Northumberland's* Order.

The *Italian Philip Bernardo*, was this day heard and acquitted, there being only one single Evidence of one *Garret Day* against him, concerning whom it did appear that he was an infamous person, and who had formerly for Perjury stood upon the Pillory. Whereupon it was Ordered that *Day* should be committed to the Fleet, and pay the said *Bernardo* his Charges; but the next day he was discharged, it being alledged that he was not a person of ability to pay the said *Bernardo* his Charges.

This day a Petition was presented to the House of Commons by Alderman *Pennington* from many of the Citizens of *London*, and being read, It was Ordered, That no Copies of it should be given to any persons except the Members of the House. The Petition was as followeth.

To the Right Honourable the Commons House of Parliament,  
The humble Petition of many of his Majesties Subjects in and about the City of *London* and several Counties of the Kingdom.

**T**hat whereas the government of Arch-bishops, and Lord-Bishops, Deans, and Archdeacons, &c. with their Courts and Ministrations in them hath proved prejudicial and very dangerous both to the Church and Common-wealth, they themselves having formerly held, that they have their jurisdiction or authority of humane Authority, till of these later times being further perused about the unlawfulness that they have claymed their calling immediately from the Lord Jesus Christ, which is against the Laws of this Kingdom, and Derogatory to his Majestie and his State Royal. And whereas the said government is found, by woful experience, to be a main cause and occasion of many foul evils, pressures, and grievances of a very high nature unto his Majesties Subjects, in their own Consciences, liberties, and estates; as in a Shedule of Particulars hereunto annexed may in part appear.

We therefore most humbly pray and beseech this Honourable Assembly, the premisses considered, that the said Government with all its dependances, roots and branches may be abolished, and all laws in their behalf made voyd, and the government, according to Gods word, may

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Wednesday, D. 9.  
Sir George Ratcliff Prisoner to the Gate-house.

Convocation.

Witnesses examined in the Lords House, against *Pool* and *Haward* Schismatical Rioters.

Thursday, D. 10.  
Order for Secretary *Windebank* to appear.

Subsidies.

*Bernardo* the Italian released, and his accuser committed.

Friday, D. 11.  
London Petition.



be rightly placed among us, and we your humble Supplyants, as in duty we are bound, will daily pray for his Majesties long and happy raign over us, and for the prosperous success of this High and Honourable Court of Parliament, &c.

*A Particular of the manifold Evils, Pressures, and Grievances, caused, practized, and occasioned by the Prelates and their Dependants.*

## I.

First, the subjecting and enclining all Ministers under them and their Authority, and so by degrees exempting of them from the Temporal power, whence follows:

## II.

The faint-heartednesse of Ministers to preach the truth of God, lest they should displease the Prelates, as namely the *Doctrine of Predestination, of Free-grace, of Perseverance, of Original sin remaining after Baptisme, of the Sabbath, the Doctrine against universal Grace, Election for Faith fore-seen, Free-will, against Antichrist, non-Residents, humane Inventions of Gods worship*, all which are generally with-held from the peoples knowledge, because not relishing to the Bishops.

## III.

The encouragement of Ministers to despise the temporal Magistracie, the Nobles, and Gentry of the Land, to abuse the Subjects, and live contentiously with their neighbours, knowing that they being the Bishops creatures, they shall be supported.

## IV.

The restraint of many godly and able men from the Ministry, and thrusting out of many Congregations, their faithful, diligent, and powerful Ministers, who lived peaceably with them and did them good, only because they cannot in Conscience submit unto, and maintain the Bishops needlesse devices; nay sometimes, for no other cause but for their zeal in preaching, or great Auditories.

## V.

The suppressing of that godly Designe set on foot by certain Saints and furthered with many great gifts by sundry welaffected persons, for the buying of Improvements, and placing of able Ministers in them, maintaining of Lectures, and founding of Free-Schools; which the Prelates could not endure, lest it should darken their glories, and draw the Ministers from their dependence upon them.

## VI.

The great increase of idle, and lewd dissolute, ignorant and erroneous men in the Ministry, which swarm like the Locusts of Egypt over the whole Kingdom, and will they but wear a Canonical Coat, a Surplis, a Hood, bow at the name of *Jesus*, and be zealous of Superstitious Ceremonies, they may live as they list, confront whom they please, preach and vent what errors they will, and neglect preaching at their pleasures, without controull.

## VII.

The discouragement of many from bringing up their Children in learning, the many Schisms, errors, and strange opinions which are in the Church; great Corruptions, which are in the Universities; the gross and lamentable ignorance almost every where among the people; the want of preaching Ministers in very many places both of *England and Wales*, the loathing of the Ministry, and the general defection to all manner of prophaneness.

## VIII.

The swarming of lascivious, idle, and unprofitable Books and Pamphlets, Play-books, and Ballads, as namely *Ovids* fits of Love; the *Parliament* of Women come out at the dissolving of the last *Parliament*, *Barnes* Poems, *Parkers* Ballads in disgrace of Religion, to the encrease of all vice, and withdrawing of people from reading, studying, and hearing the word of God, and other good Books.

## IX.

The hindring of godly Books to be Printed, the blotting out, or perverting those which they suffer, all or most of that which strikes either at *Poperie* or *Arminianisme*, the adding of what or where pleaseth them, and the restraints of reprinting Books formerly licensed without relicensing.



X.

The publishing and venting of *Popish*, *Arminian*, and other dangerous Books and Tenets, as namely; that the *Church of Rome* is a true *Church*. and in the worst times never erred in *Fundamentals*, that the Subjects have no propriety in their Estates, but that the King may take from them what he pleaseth, that all is the Kings, and that he is bound by no Law, and many other, from the former whereof hath sprang,

XI.

The growth of *Poperie*, and encrease of *Papists*, *Priests*, and *Jesuits* in sundry places, but especially about *London* since the *Reformation*, the frequent venting of *Crucifixes* and *Popish pictures*, both engraven and printed, and the placing of such in *Bibles*.

XII.

The multitude of *Monopolies* and *Patents*, drawing with them innumerable *Perjuries*, the large encrease of *Customes* and *Impositions* upon *Commodities*, the *Shipmonies*, and many other great burthens upon the *Common-wealth* under which all groan,

XIII.

Moreover, the Offices and Jurisdictions of *Arch-Bishops*, *Lord-Bishops*, *Arch-Deacons*, being the same way of *Church-Government* which is in the *Romish-Church*, and which was in *England* in the time of *Poperie*, little change thereof being made (except only the head from whence it was derived) the same Arguments supporting the Pope, which do uphold the *Prelates*, and overthrowing the *Prelates*, which do pull down the Pope, and other reformed *Churches*, having upon their rejection of the Pope, cast the *Prelates* out also as Members of the Beast: Hence it is, that the *Prelates* here in *England* by themselves or their Disciples plead or maintain, that the Pope is not *Antichrist*, and that the *Church of Rome* is a true *Church*, hath not erred in Fundamental points, and that Salvation is attainable in that Religion, and therefore have restrained to pray for the Conversion of our Sovereign Lady the Queen. Hence also hath come,

XIV.

The great Conformity and likeness both continued and encreased of our Church to the Church of *Rome*, in Vestures, Postures, Ceremonies, and Administrations, namely as the Bishops Rochets and the Lawn sleeves, the four-cornerd Cap, the Cope and Surplis, the Tippet, the Hood, and the Canonical Coat, the Pulpits clothed, especially now of late with the Jesuits Badge upon them every way.

XV.

The standing up at *Gloria Patri*, and at the reading the Gospel, praying towards the East, the bowing at the name of *Jesus*, the bowing to the Altar towards the East, Cross in Baptisme, the kneeling at the Communion.

XVI.

The turning of the Communion Tables Altar-wise, setting Images, Crucifixes, and Conceits over them, and Tapers and Books upon them, and bowing, and adoring to or before them, the reading of the second Service at the Altar, and forcing people to come up thither to receive, or else denying the Sacrament to them, tearming the Altar to be the Mercieseat, or the place of God Almighty in the Church, which is a plain device to usher in the Mass.

XVII.

The Christning and Consecrating of Churches and Chappels, the Consecrating Fonts, Pulpits, Tables, Chalices, Church-yards, and many other things, and putting holiness in them; yea, re consecrating upon pretended pollution, as though every thing were unclean without their Consecrating, and for want of this sundry Churches have been interdicted and kept from use as polluted.

XVIII.

The Liturgie for the most part's framed out of the *Romish Breviary Ritnallium* Mass-book, also the book of Ordination, for Archbishops and Ministers, framed out of the *Roman Pontifical*.

XIX.

The multitude of Canons formerly made, wherein, among other things, Excommunication, *ipso facto* is denounced for speaking of a word against the devices above said, or nonsubscription thereunto, though no Law enjoyned a restraint from the



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the Ministry without such subscription, and Appeal is denied to any that shall refuse subscription or unlawful conformity, though he be never so much wronged by the inferior Judge: also the Canons made in the late sacred Synod, as they call it, where in are many strange and dangerous Devices to undermine the Gospel, and the Subjects liberties, to propagate Popery, to spoyl Gods people, insnare Ministers, and other *Students*, and so to draw all into an absolute subjection and thralldom to them and their government, spoyling both the King and the Parliament of their power.

## XX.

The countenancing plurality of Benefices, prohibiting of Marriages without their Licence, at certain times, almost half the year, and licensing of Marriages without Banes asking.

## XXI.

Prophanation of the Lords day, pleading for it, and enjoyning Ministers to read a *Declaration*, set forth, as 'tis thought, by their procurement for tolerating of Sports upon that day, suspending and depriving many godly Ministers, for not reading the same only out of Conscience, it was against the Law of God so to doe, and no Law of the Land to enjoyn it.

## XXII.

The pressing of the strict observation of Saints Days, whereby great summs of Moneys are drawn out of Mens purses for working on them, a very high burthen on most people, who getting their living by their daily imployments, must either omit them and be idle, or part with their money, whereby many poor families are undone, or brought behind hand, yea many *Church-wardens* are sued, or threatned to be sued by their troublesome Ministers, as perjured persons, for not presenting their Parishioners, who failed in observing *Holy-daies*.

## XXIII.

The great encrease and frequencie of Whoredoms and Adulteries, occasioned by the *Prelates* corrupt administration of Justice, in such Cases, who taking upon them the punishment of it, do turn all into moneys for the filling of their purses, and lest their Officers should defraud them of their gain, they have in their late Canon, in stead of remedying their vices, decreed that the *Commutation* of Pennance shall not be without the Bishops privy.

## XXIV.

The general abuse of that great ordinance of Excommunication, which God hath left in his Church to be used as the last and greatest punishment the Church can inflict upon obstinate and great Offenders, and that the Prelates and their Officers, who of right, have nothing to do with it, do daily excommunicate men either for doing that which is lawful, or for vain, idle, and trivial matters, as working or opening a shop on a Holiday, for not appearing at every beck upon their summons, not paying a fee and the like; yea, they have made it, as they do all other things, a hook or instrument wherewith to empty mens purses, and to advance their own greatness, and so that sacred ordinance of God, by their perverting of it, becomes contemptible to all men, and seldom or never used against notorious Offenders, who, for the most part, are their favourites.

## XXV.

Yea further, the pride and ambition of the *Prelates* being boundless, unwilling to be subject to either Man or Laws, they claim their Office and Jurisdiction to be *Jure divino*, exercise Ecclesiastical authority in their own names and Rights, and under their own Seals, and take upon them Temporal dignities, Places and Offices in the Common-wealth, that they may sway both swords.

## XXVI.

Whence followes the taking Commissions in their own Courts and Consistories, and where else they sit in matters determinable of Right at Common Law, the putting of Ministers upon Parishes, without the Patrons and Peoples consent.

## XXVII.

The imposing of Oathes of various and trivial Articles yearly upon Church-wardens, and Side-men, which they cannot without perjury, unless they fall at jarrs continually with their Ministers and Neighbours, and wholly neglect their own calling.

## XXVIII.

The exercising of the Oath *Ex Officio*, and other proceeding by way of *Inquisition*



sition reaching even to mens thoughts, the apprehending, and detaining of men by Pursuants, the frequent suspending and depriving of Ministers, fining and imprisoning of all sorts of People, breaking up of mens Houses and Studies, taking away mens Books, Letters, and other Writings, seizing upon their Estates, removing them from their Callings, separating between them and their wives against both their wills, the rejecting of prohibitions with threatnings, and the doing of many outrages, to the utter infringing the Laws of the Realm, and the Subjects liberties, and arrainging of them and their Families, and of latter time, the Judges of the Land are so awed with the power and greatness of the Prelates, and other wayes promoted, that neither prohibition, *Habeas Corpus*, or any other lawful remedy can be had, or take place, for the distressed Subjects in most Cases, only *Papists*, *Jesuits*, *Priests*, and such others as propagate *Popery*, or *Arminianisme*, are countenanced, spared, and have much liberty, and from hence followed amongst others these dangerous Consequences.

I.

First, the general hope and expectation of the *Romish* part, that their *superstitious Religion* will ere long be fully planted in this Kingdom again, and so they are encouraged to persist therein, and to practice the same openly in divers places, to the high dishonour of God, and contrary to the Laws of the Realm.

II.

Secondly, the discouragement and destruction of all good Subjects, of whom all Multitudes both *Clothiers*, *Merchants*, and others, being deprived of their Ministers, and overburthen'd with these pressures, have departed the Kingdom to *Holland*, and other parts, and have drawn with them a great part or manufacture of *Cloth* and *Trading* out of the Land into other places, where they reside, whereby *Wooll*, the great staple of the Kingdom, is become of small value and vends not, *Trading* is decayed, many poor people want work, *Sea-men* lose employment, and the whole Land much impoverished, to the great dishonour of this Kingdom, and blemishment to the government thereof.

III.

The present warrs and Commotions happened between his Majesty and his Subjects of *Scotland*, wherein his Majesty and all his Kingdom are indangered, and suffer greatly, and are like to become a prey to the common Enemy, in case the warrs go on, which we exceedingly fear, will not only go on, but also encrease to an utter Ruine of all, unless the Prelates with their dependencies be removed out of *England*, and also they and their practices, who, as we, under your Honours favour, do verily believe and conceive, have occasioned the Quarrel.

*All which we humbly referr to the consideration of this Honourable Assembly, desiring the Lord of Heaven to direct you in the right way to redress all these evils.*

Thus did factious Spirits with an unbridled and licentious Boldness invade the Sacred Reins of Government; and illiterate men usurp the Authority of becoming Censors of all the Affairs both of Church and State; and growing audacious by being numerous, and by the secret Encouragement and Dictates of some Engineers behind the Curtain, they undertook to Arraign the whole frame and constitution not only of Government in the State but Religion in the Church; and with a blindness peculiar to ignorant pretenders to Science, they undertook to complain of and reform, what neither they themselves, nor the wisest men that ever, or will be in the World durst pretend they understood, viz. those abstruse and mysterious Theological points of Divinity whose knotty and perplexing intricacies the sharpest Wits of the learned World have not yet been able to determin on either side. But that which is most observable in these Mechanick States-men and Divines is, their quarrelling the Episcopal function as invading the Rights of the Crown, when with the same Ink they were labouring to devest their Sovereign of that glorious Flower of his Imperial Crown; of being over all persons Supreme Governor, indeavouring to demolish and pull down that Church



1640.

Saturday,  
Decemb. 12.Several Petitions  
against  
Clergy-men.Pool and Haw-  
ward commit-  
ted.  
A Schismaticks  
Conscience.Munday De-  
cember the 14.  
A Committee  
to examine  
miscarriages  
of Lord Lieu-  
tenants, &c.A Message a-  
bout the Re-  
venue.Ship Money  
and Judges.

New Canons.

Church Root and Branch, whereof he was by solemn Oath acknowledged the Political Head; the Reformation whereof however Publick Persons might pretend to, yet they being private could not have the least colour to attempt.

And now encouraged by the example of the Londoners and instigated by their own Zeal and the countenance they received, Petitions came thronging into the House of Commons not only in general complaining of Real grievances, but upon every Parish Pique and Unkindness (which seldom is wanting) between the Minister and any of his Parishioners, Petitions were exhibited against them, and pressing of conformity was now become so criminal, that it certainly procured a Petition and Articles, those a summons, and vexatious attendance upon the Committee, with all the Charges of the Messengers fees and others incident, for reparation of which in case of Innocence, as our Laws have provided no remedy, it is therefore to be supposed they know nothing of their Legality; but that Arbitrary Power which was so much pretended to be feared from the Crown and Mitre, was really to be felt from the Cloak, and the then House of Commons. Upon Saturday the 12th. A Petition from the Inhabitants of *Bockington* against Mr. *Alexander Huish* their Parson, another against Mr. *Henry Anchtel* Parson of *Mells*, a third against *Richard Earl* Parson of *Hemington* in *Com. Somerset*, a fourth from the Parishioners of *Chalford St. Peters* in *Com. Bucks*, all referred to the Committee for the Bishop of *Bath and Wells*.

This day *Pool* and *Haward* the two Schismatical Rioters being brought before the Lords, did at the Bar absolutely deny the Fact, and their tender Consciences which could not endure an innocent Ceremony, a Surplice, or the service Book, could yet swallow a voluntary, premeditated and notorious Lye; and whereas *St. Paul* would not lie to promote Gods glory, these Religious Zealots would make no scruple of one to promote their own Interest, doing evil that good might come, and running the hazard of Eternal Damnation, to avoid a temporal shame and punishment. However, the Evidence being clear against them, they were committed to Prison by order of the Lords.

This day a Committee was appointed to examine the Misdemeanors of the Lord-Lieutenants, Deputy Lieutenants, and other inferior Officers, and Report it to the House: and because this had an oblique Aspect and Reflection upon his Majesty, therefore a sweetning Message was ordered to be sent to him in these words.

Mr. *Treasurer* is intreated to acquaint his Majesty with the great care and affection of this House to advance and settle his Majesties Revenue, and for this Purpose do humbly desire his Majesty that he will give them leave to enter into Debate of his Majesties Revenue and Expenses.

A Committee was then ordered, to prepare Charges against the Lord Keeper and the Judges.

The House then fell into Debate about the new Canons, upon which occasion several severe speeches were made during the Debate of the House, endeavouring to aggravate the Crime of the Clergy who were concerned in the making of them. And straining every thing in them to the worst sence; and far different from the Intention of the Makers; charging them with a Design of invading the Prerogative of the King and the Liberty of the Subject, of which Crimes their fiercest Accusers, if intentions are to be measured by future Events and Actions, were at that



that time most deeply Guilty; and the future Loyalty and sufferings of most of that Convocation, though they will not warrant their proceedings from mistakes, or Justifie every thing in those Canons, even since, by a moderate and healing Parliament not thought fit to be confirmed, yet will they fairly excuse and acquit them from any ill intentions or Designs either against the Kings Supremacy or the Peoples Liberty; it being highly irrational, that they whose endeavours were all levelled at the preservation of the Government, which they foresaw was in danger to be altered and subverted by Sectaries, and afterwards was, should have any intentions of subverting it by those very Methods they thought most Effectual to preserve it.

Mr. Speaker,

THat the late Canons are invalidous, it will easily appear, and that they are so originally in the Foundation, or rather in the Founders of them, I will assume upon my self to demonstrate, having first intimated my sense by way of preparative.

The Pope (as they say) hath a triple Crown, answerable thereunto, and to support, he pretends to have a threefold Law. The first is, *jus divinum*, *Episcopacy by divine right*, and this he would have you think to be the Coronet next his head, that which doth circle and secure his power. Our Bishops have (in an unlucky time) entred their plea and pretended title to this Crown, *Episcopacy by Divine right*.

The second is *Jus humanum*, *Constantines donation*, the gift of indulgent Princes; temporal power. This Law belongs to his second or his middle Crown; already also pleaded for by our Prelates in print.

These two Crowns being obtained, he (the Pope) doth frame and make his third Crown himself, and sets that upmost upon the top — This Crown also hath its Law, and that is *Jus Canonicum*, the Canon Law, of more use unto his Popeship than both the other — Just so our Prelates from the pretended divinity of their Episcopacy, and from the temporal power granted by our Princes, they would now obtrude a new Canon Law upon us.

They have charged their Canons at us to the full, and never fearing that ever they would recoil back into a Parliament, they have rammed a prodigious ungodly oath into them.

The illegality and invalidity of these Canons (as I conceive) is easily discoverable by one short question, *viz.* what do you call the meeting wherein they were made? give it a name to know it by: who can frame his argument aright, unless he can first tell against what he is to argue? would you confute the *Convocation*? they were a *holy Synod*; would you argue against the *Synod*? why they were *Commissioners*; would you dispute the *Commission*? they will mingle all powers together, and answer that they were some fourth thing, that we neither know nor imagine.

*Quo teneam modo mutantem Protea?* unless they will unriddle themselves, and own what they were, we may prosecute, but hardly with concludent arguments. Yet I venture.

I have conferred with some of the founders of these new Canons, but I profess clearly that I could never meet yet with any one of that Assembly, who could (in behalf of their meeting) well answer me the first question in the Catechism, what is your name? Alas, they are parted before they know what they were when they were together.

The sum of the several answers, that I have received, doth amount to this. They were a *Convocational--Synodical--Assembly of Commissioners*, indeed a threefold *Chimera*, a monster to our Laws, a *Cerberus* to our Religion.

A strange *Commission* wherein no one *Commissioners* name is to be found. A strange Convocation that lived when the Parliament was dead: A strange *Holy Synod* where one part never saw, never conferred with the other. — But indeed what use or need of conference, if that be true of these Canons, which I read of the former ones, *Notum est Canones formari Lambetha, priusquam in Synodo ventilentur*:

Cccce

1640.

Sir Edward  
Deering's  
Speech about  
the Canons  
Dec. 14. 1640.

Parker  
Polit.



I 640.

Thus far preparatory ; I proceed to my argument, whereby to manifest the invalidity of these Canons, not borrowing but avoiding what hath formerly been instanced by others.

I will neither inveigh upon them as unnamed *Commissioners*, nor infirm them as the work of a dead *Convocation* ; But will take them in the capacity of their own affected title of a *Synod*. Such they bragged themselves to be whilst they fate : such they stile themselves in the Title page of these (never to be Canonized) Canons — The words are — *Canons Treated upon in Convocation — agreed upon in Synod*.

This treating in one capacity and agreeing in another, is a new mould to cast Canons in, never used before. Canons bred in a *Convocation*, born in a *Synod*. Thus although we find not one good Father, here are yet two Mothers to one ill-favoured Child ; never known before, nor imagined but of *Bacchus*, whom the Poet calls among other attributes,

— *Solūmque bimatrem*.

I proceed — If their Meeting be a *Synod*, either it is so by *Donation*, by *Election*, or only by *Usurpation*.

*Donation* from the King : is this Title and Authority, indulged to them by His Majesty ? Look through all his Highness Letters Patent, and they are not once saluted with the ambitious title of a *Synod*. Yet in the Canons they have assumed it seventeen times, it is their own pride, their own presumption.

The King hath not done it, (pardon me) no Prince ever did it or can do it ; no power Regal, Imperial, or Papal did ever attempt it, to ordain that *William*, and *Richard*, *Matthew* and *John*, &c. and I know not who more, being met and assembled upon other summons shall by a *Commission* be on a sudden translated from what they were, into an unthought-of *National Synod*, without voyce or choice of any man to be concerned : this never was done, this never can well be done.

As for due election for such meetings, this indeed is or ought to be of the true *esse* to a Legitimate *Synod*. But due election made up by voyces is so much a stranger to this *Synod*, that their fatherhoods will confess that they were never trusted to this *Synod*, as a *Synod* by any, either of the Clergy or of the Laity.

Concerning the choice of a few of them, and but a few (about 50 as I guess) chosen to the *Convocation* house, that choice will never render them a lawful *Synod*, until they can prove *Metamorphosis* and *Transubstantiation*. — For the votes of all their choosers upon expiration of the *Convocation* house returned back home to every mans bosom from whence they breathed. So that if you will en-live the same men to be now *Synodal*, who were before but *Convocational*, you must renew the old *Pythagorean Transmigration*, for they want the breath and life of an *election*. A new one you have not, and the old one is not to be had but by *μετεμύχσις*.

Besides I do affirm and shall approve, that the electors to a *Convocation* and to a *Synod* are not all one. The Clergy only do, and of right only ought to choose unto the *Convocation* house. The reason ; we of the Laity (so they will call us) have our House of Commons where our Trustees by vertue of our voices do sit at the same time. But in the choice unto a *Synod*, we who must be bound by the determinations of the *Synod*, ought also to be interested in the parties determining. This is clear enough in reason, and will be better cleared presently.

Of *Synods* I find five several sorts, first a general or universal *Synod* ; secondly, *Patriachal* ; thirdly, *National* ; fourthly, *Provincial* ; fifthly, a *Diocesan Synod*. I pass by the two first and last, as not pertinent to this time and affair. Concerning *Provincial* and *National Synods* a word or two ; if I knew which to call their late meeting. They run on riddles : and I want an *Oedipus* at every turn.

These *Canons*, were they forged in one *Synod National*, or in two *Provincial* ? were they two *Provincial Synods* ? how then come their Acts and Canons to be imbodyed together ? how comes it to pass that all the Canons speak in the singular number ? The *Synod* ; The *holy Synod* ; The *Sacred Synod*. Sacred will now be hardly granted, unless as the Poet doth, — *Anri sacra fames*.

Was it then but one ? was it a *National Synod* ? why the Provinces (we all know) never did convene, they never met together. Look on the representative body of the Commons of this whole Land : every one within the same walls hearing every ones argument, and thereupon mending, altering, and (as occasion is) correcting his own judgment, and afterwards (*ὁμοθυμαδόν*) joyning in unanimous consent.



consent. And if the able members of the North beyond *Trent* were divided from the rest, there would be quickly found a want of their worth and weight, nor could their sitting at the same time at *York*, make the rest a House of Commons here, for the whole Kingdom must be represented entire.

But as we have done the Title *Synod*, so let us give them the Attribute National, a *National Synod*, and yet see how inconsistent and invalidous they are !

The very esse of every *Synod* doth subsist in a double foundation. *Fundamentum materiale* and *fundamentum formale*. ——— The due materials of a *Synod* are the interiour qualities and indowments of the persons whereof the *Synod* consisteth, not their external dignities and promotions. And therefore every man thus qualified is as capable to be of the *Synod*, as any *Dean* or *Archdeacon* of them all.

The *fundamentum formale*, is *Delegatio ab ecclesia & debita electio*. A due choice to be made by all that are or shall be concerned in the determinations of the *Synod*: and this trust of choice may fall upon another man, as well and as soon as upon *Dean* or *Archdeacon*.

I will not quarrel the want of able parts in any Members of that late doubtful dangerous meeting : I grant them the materials of a true *Synod*, but will insist only upon the second, want of form, want of due election : which if they want, the most virtual and most obliging tie, and the most binding part is wanting.

That they had no such election, we need not go forth to prove ; No one man in the Kindom can say that he gave a voice to the election of any one *Dean* or *Archdeacon* to sit for him in that *Synod*, nor were the Clerks chosen by all who were to be bound. So then there remaineth only to be proved this. That such election of persons, by all persons to be concerned in the Decrees, and Canons, is necessary to the constituting of a lawful *Synod* ; which is all one as to say, that the elections to a *Synod* ought to be, both by the Clergy and the Laity.

Mr. *Speaker*, I will trouble you but with one reason, and a very few instances, all briefly.

The Acts and Canons of every Lawful National Council or *Synod*, ought to bind the whole Nation, both Laity and Clergy ; But this cannot be reasonable and just, if the Laity be excluded both from consultation and from choice of consulters. The reason is plain. It is a ground in nature, and so confessed upon this very case by D. *Field*, who hath it out of *Occam* ——— *quod omnes tangit, ab omnibus tractari debet*. And this is so clear a maxim, that in this very sense also ; for the Laity to be present at Councils, this very *Aphorisme* is used by the Pope in his own gloss upon the Canonist *Gratian*. *Quod omnes tangit, ab omnibus tractari debet*. Surely our Clergy are much too high, if herein they would out-go the very Canons of the Papal *Synods*, and conclude that which shall bind all, where all are not admitted to treat, neither by themselves nor by proxy.

Now the benefit of this Law of nature and of reason (as Dr. *Field* calleth it) we claim. The present *Canons* do concern us. I may be a Church-warden, my Son may be a Master of Art ; then must I present upon their yet unborn articles, and he must swear their oath of Covenant—— well, they were never trusted by us unto a *Synod* ; and therefore ought not to tie us up unheard, it is against *Nature* and *Reason*.

To second this Argument by instance in proof of practice, I shall produce a few, and but a few of many examples and authorities : the originals I cannot now command, but must be content to name a few extracts, which by way of transcript do walk along with my *vade mecum*.

The point that I would establish is this, that in *Synods* and Councils where Laymen are concerned in the Decrees, there the Laity may be present to consult, if not also to decide the conclusions. I will but point, I will not enlarge to the vouching every place *verbatim* ; Dr. *Field*, Dr. *Fulke*, *Goulartius*, are clear and positive in this point.

Our Statutes for correcting and gathering together the former *Canons* into a new body, do clearly evidence this unto us ; in all which there is an equal proportion mixed, sixteen of the Clergy, and as many of the Laity.

The Author of the History of *Trent* is frequent in this point, adding this for a reason, that in a *general Council*, the universal Church cannot be represented, if the Laity be excluded. So by the rule *à paribus*, The reason holdeth the same, a



I 6 4 0.

*National Council* cannot represent a Nation, if but one degree of men, men of one quality and capacity be only present, and the rest altogether excluded.

*Gratian* the Canonist, doth allow the Laity to be present, especially in such Councils as do treat of faith, and for proof doth vouch Pope *Nicholas*.

I will omit many proofs of many Emperors being personally present and president in many Councils, by themselves, and sometimes by their Vicegerents, as *Marcellinus*, *Candidianus*, *Martianus*, &c. yet even this is argumentative for us, and a preservative of our right, for the Laity to be present.

The Greek Historians are so plentiful, that I will only name them.

|                                           |                           |
|-------------------------------------------|---------------------------|
| <i>Theodoret</i> .....                    | l. 5. c. 9.               |
| <i>Eusebius de vita Constantini</i> ..... | l. 3. c. 9. & 10.         |
| <i>Sozomen</i> .....                      | l. 1. c. 16. & 17.        |
| <i>Niceph. Callistus</i> .....            | l. 8. c. 15.              |
| <i>Socrates</i> .....                     | l. 1. c. 5. & l. 6. c. 2. |
| <i>Evagrius Scholast</i> .....            | l. 2. c. 4. c. 27.        |

Among the Latine Fathers *Cyprian* is very plentiful.

As for Councils, look,

*Nice*. 1. vouched by *Eusebius de vita Constantini* — 4. conc. *Carthag.* cited by *Gratian*. — The Council of *Eliberis* in *Spain*. Council of *Constantinople* in *Theodoret*. — Council of *Constance*; And the second of *Nice*. — where it is said of the Imperial Lady, the famous *Pulcheria Augusta*, that *ipsa per semet ipsam in sancta quarta Synodo sedit*: which fourth Synod was with *Martianus* the Emperour.

To these I add the very *Ordo celebrandi concilia* written by *Isidor*, and like unto the *Modus tenendi Parliamentum*.

Thus much for humane testimony. I have done with my hasty notes, only I add this, and I beseech you to intend it.

Whilest we of the Laitie had our power and voices to choose our own Ministers, and our own Bishops, (which was our ancient right, constantly allowed and practised in the best Primitive times, whereof the proofs are yet evident enough) so long (I say) we might trust them in a *Synod*, whom we first had trusted to direct and guide our souls in all the ministerial function.---But to conclude us up now, and shut us out contrary to the Law of *Nature* and *Reason*, contrary to ancient usages: not to admit us to determination, nay to exclude us from consultation, and after all to take from us all assent both in choice and in refusal of Pastors to be set over us, and yet to bind us by Decrees so made, may prove (I fear) no less than soul-tyrannie. I do not press the deserved right of our choice of Pastors: but one thing more, lend me patience to add as a supream *Coronis* to all that I have said for right of Laity in *Synods*.

Look I beseech you in the first *Synod* that ever was held in the Christian Church, and that for so great and singular a cause, as never was occasion for the like in the World before or since: you have it in the first of the *Acts* of the holy Apostles, and it is for the choice of a new Apostle. There were in this *Synod* and of this *Synod*, the eleven Apostles, *Act*. 1. 13. *With the brethren of the Lord*, *vers*. 14. There were the *Disciples*, there was *Turba ὄχλος* a multitude, of about 120 names, *verse*. 15 Saint *Peter* tells them that out of that number one must be ordained to be a witness of the resurrection of our Saviour; thereupon what doth the multitude of *Disciples* there present? *Εἰσὶν δὲ* *verse*. 23. they place or set two before the Apostles: And the same men viz. all the *Disciples*, *vers*. 26. *Ἐδωκαν κλήρας αὐτῶν* they give forth their lots, and thereupon, the lot falling upon *Matthias*, he was numbred (saith our translation) with the eleven Apostles; but the Original is more, *συγκαλεσθεῖσιν*, *communibus calculis annumeratus est*, he was by common assent or by common voices reckoned with the eleven. Now who were these common voices? who were these 120. men? Evangelists, Bishops, Deacons, and Presbyters or Elders, as yet there was not one in all the World, the Apostles were but eleven, perhaps not numbered in this 120. The *Disciples*, if you will say that they were there, yet they were but 70. So that here is no evasion: the Laity were present, and not passive only, they were active in this original, so weighty a *Synod*.



My second instance in this kind, is out of the second Council that ever we read was held, and this is *Acts* 6. where the Apostles call a Council for the choice of seven Deacons: Then the twelve called the multitude of the Disciples to them, V. 2. τὸ πλῆθος αὐτῶν μαθητῶν They being assembled, do not say, we have decreed, we have ordered and ordained, and enjoined, but their language is *Vers* 3. Ἐπισκέψατε ἀδελφοί brethren look ye out, the word is the same as ἐπισκοπεῖν to oversee, do you oversee among you, seven men of honest report. And the saying (as it is *vers* 5.) pleased ἐνώπιον παντὸς τοῦ πλῆθους the whole multitude, there is a consent of theirs: more plain in ἐξελέξαντο, they, the multitude chose seven, Stephen and Philip, &c. οἵς ἔστισαν ἐνώπιον τοῦ ἀποστόλων, whom they (still the multitude τὸ πλῆθος) *vers* 6. did set or place before the Apostles.

1640.

The third and the last shall be the πανκαθολικόν the great and general Council held by the Apostles upon the dissention of the Church in point of Circumcision (and that is *Acts* 15.) there you shall again find present, πᾶν τὸ πλῆθος *vers* 12 All the multitude: but you will say and object, that the next word is ἐσίγησε the multitude kept silence. True, ergo what? Therefore they speak not at all in this Council? nothing less. But ergo they had spoken before: for it is plain by the word THEN, Then all the multitude kept silence. If they had nothing there to do, but to be alwaies silent, this particle of time, Then, might well have been spared. This may perhaps be objected, and therefore ought to be prevented; for the further clearing whereof, observe (I pray) the next *vers* 13. where in like manner, it is said of Paul and Barnabas μετὰ δὲ τὸ συῆσαι αὐτούς. And after they held their peace, Ergo they had spoken. And therefore the Friar who collected together a body of Councils (Peter Crabbe a German) doth even from this place infer a consent of the people, saying, Tacuit omnis multitudo consentiens Petro.

But if you would have this more clearly evidenced beyond all exceptions, I pray take notice of the resolution of this Synod, *vers* 22. Then pleased it the Apostles and Elders with the whole Church. With the whole Church, what is that? The blessed Apostles and their fellow labourers did not engross, and (as our Church-men affect to do) usurp and monopolize the word Church, as proper only to Church-men, No you shall find it even in the Epigraphie of Canons and Decrees of this true, holy, and sacred Synod, that the despised Laity are in these Canons conjoined with the blessed Apostles, although Pope and Patriarch, Primate and Metropolitan, Archbishop and Bishops, yea even down to Dean and Archdeacon, (I have heard it) do despise the thought of admitting the Laity: I do not say to decision, but even to Consultation, nay to the very choice of consulters in Religion, nay lower, even so much as to have a negative power, when a man of inability and of ill life is obtruded upon them: I proceed, for I would not orare, but probare, look *vers* 23. They that were present had voice, they who voiced the Canons joined in the decree, and sending the decree unto Antioch. The words are thus, The Apostles, and Elders, and Brethren send greeting to the Brethren which are in Antioch, &c. Here the Brethren at Hierusalem are (with the Apostles and the Elders) actors in, and authors of the Canons in this Council agreed. There is no evasion, no elusion to be had, unless you can prove that all the Brethren in Antioch to whom these Brethren in Hierusalem did write, were only Clergy-men.

Which if you should affirm, our Clergy will hardly be pleased with you, for they must then be of the multitude (not a special lot) for Barnabas and Paul did deliver this Epistle (being the decree of this Synod) to the multitude τὸ πλῆθος as it is found in the 30 verse. And when they had gathered the multitude together they delivered the Epistle.

Thus much in way of pursuit for this one argument, that no Canons can bind the Laity where we have no voice of our own, nor choice of the Clergie persons who do found them, nor assent in the susception of them after they are framed. Quod omnes tangit, ab omnibus tractari debet.

M. Speaker, It remains as a wish, that every Member of that meeting, who voted these exorbitant Canons, should come severally to the Bar of the Parliament House, with a Canon book in his hand, and there unless he can answer his Catechisme (as I called it) and shew what is the name of their meeting: and (unless he can manifest that the Laity are no part of the Church Conceptis verbis in such express terms as that House should think fit) to abjure his own ill-begotten issue, or else be commanded to give fire to his own Canons.

Mr.



1640.

Mr. Nathanael  
Fines his  
Speech Dec.  
14. 1640.

The event manifested who  
designed to undermine the  
Kings prerogative and Sub-  
jects Liberty, in which this  
Gentleman being afterwards  
Governor of Bristol against  
the King, &c. had a conside-  
rable share.

Mr. Speaker,

**N**OW that we are about to brand these Canons in respect of the matter contained in them, it is the proper time to open the foulness thereof: and though much of this hath been anticipated in the general debate, yet if any thing hath been omitted, or if any thing may be farther cleared in that kind, it is for the service of the House, that it should now be done.

Sir I conceive these Canons do contain sundry matters, which are not only contrary to the Laws of this Land, but also destructive of the very principal and fundamental Laws of this Kingdom. I shall begin with the first Canon, wherein the framers of these Canons have assumed unto themselves a Parliamentary power, and that too in a very high degree, for they have taken upon them to define what is the power of the King, what the liberty of the Subjects, and what propriety he hath in his goods. If this be not proper to a Parliament, I know not what is. Nay it is the highest matter that can fall under the consideration of a Parliament, and such a point as wherein they would have walked with more tenderness and circumspection than these bold Divines have done. And surely, as this was an act of such presumption as no age can parallel: so it is of such dangerous consequence as nothing can be more. For they do not only take upon them to determine matters of this nature, but also under great penalties, forbid all Parsons, Vicars, Curates, Readers in Divinity, &c. to speak any other wayes of them than as they had defined, by which means having seized upon all the Conduits, whereby knowledge is conveyed to the people, how easie would it be for them in time, to undermine the Kings Prerogative, and to suppress the Subjects liberty, or both.

And now (Sir) I beseech you to consider how they have defined this high and great point: they have dealt with us in matter of Divinity, as the Judges had done before in matter of Law: they first took upon them to determine a matter that belonged not to their Judicature, but only to the Parliament, and after by their judgment they overthrew our propriety, and just so have these Divines dealt with us: they tell us that Kings are an Ordinance of God, of Divine Right, and founded in the prime Laws of Nature, from whence it will follow that all other forms of government, as Aristocracies, and Democracies, are wicked forms of government, contrary to the Ordinance of God, and Prime Laws of Nature, which is such new Divinity as I never read in any Book, but in this new Book of Canons.

Mr. Speaker, We all know that Kings, and States, and Judges, and all Magistrates are the Ordinances of God, but (Sir) give me leave to say, ~~they were~~ they were the Ordinances of men, before they were the Ordinances of God. I know I am upon a great and high point, but I speak by as great and as high a warrant, if St. Peters chair cannot err (as St Peters Epistles cannot) thus he teacheth us, Submit your self to every Ordinance of man for the Lords sake, whether it be to the King as supream, or to the Governour, as to him that is sent by him, &c.

(Sir) It is worthy noting, that they are Ordinances of men, but that they are to be submitted unto for the Lords sake, and truly their power is as just, and their Subjects allegiance as due unto them, though we suppose them to be first ordinances of men, and then confirmed, and established by Gods Ordinance, as if we suppose them to be immediate Ordinances of God, and so received by men. But there was somewhat in it, that these Divines aimed at, I suppose it was this. If Kings were of Divine Right, as the Office of a Pastor in the Church, or founded in the prime Laws of Nature, as the power of a Father in a Family; then it would certainly follow, that they should receive the fashion and manner of their government, only from the Prescript of Gods Word, or of the Laws of Nature, and consequently, if there be no Text, neither of the Old nor New Testament, nor yet any Law of Nature, that Kings may not make Laws without Parliaments, they may make Laws without Parliaments, and if neither in the Scripture, nor in the Law of Nature, Kings be forbidden to lay taxes or any kind of impositions upon their people without consent in Parliament, they may do it out of Parliament: and that this was their meaning, they express it after in plain terms, for they say that Subsidies and taxes, and all manner of aids are due unto Kings by the Law of God, and of Nature. (Sir) if they be due by the Law of God and of Nature, they are due, though there be no act of Parliament for them: nay (Sir) if they be due by such a right, a hundred acts of Parliaments cannot take them away, or make them undue. And (Sir) that they meant it of Subsidies and Aids taken without consent in Parliament, is clearly that addition that they subjoyn unto it, that this doth

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deth not take away from the Subject the propriety he hath in his goods, for had they spoken of Subsidies and Aids given by consent in Parliament, this would have been a very ridiculous addition, for who ever made any question, whether the giving Subsidies in Parliament did take away from the Subject the propriety he hath in his goods, when as it doth evidently imply they have a propriety in their goods? for they could not give unless they had something to give: but because that was alledged as a chief reason against Ship-mony, and other such illegal payments levied upon the people, without their consent in Parliament, that it did deprive them of their propriety, which they have in their goods, these Divines would seem to make some answer thereunto, but in truth their answer is nothing else but the bare assertion of a contradiction, and it is an easie thing to say a contradiction, but impossible to reconcile it; for certainly if it be a true rule (as it is most true) quod meum est, sine consensu meo non potest fieri alienum; to take my goods without my consent must needs destroy my propriety. Another thing in this first Canon, wherein they have assumed unto themselves a Parliamentarie power, is in that they take upon them to define what is Treason, besides what is determined in the statute of Treasons. They say, to set up any coactive independent power is treasonable both against God and the King, the question is not whether it be true they say or no, but whether they have power to say what is Treason, and what not? But now (Sir) that I am upon this point, I would gladly know what kind of power that is, which is exercised by Arch-Bishops, Bishops, Deans, Arch-Deacons, &c. Coactive certainly it is, all the Kingdome feels the lash thereof, and it must needs be independent, if it be jure Divino, as they hold it, for they do not mean by an independent power, such a power as doth not depend on GOD. Besides, if their power be dependent, of whom is it dependent? not of the King, for the Law acknowledgeth no way whereby Ecclesiastical jurisdiction can be derived from his Majestie, but by his Commission under the great Seal, which as I am informed, they have not: I speak not of the High Commission, but of that jurisdiction which they exercise in their Archiepiscopal, Episcopal, Archidiaconal Courts, &c. and therefore if their own sentence be just, we know what they are, and what they have pronounced against themselves. But (Sir) it were worth knowing what they aimed at in that independent coactive power, which they term popular. I will not take upon me to unfold their meaning; but we know Doctor Beal had a hand in the making of these Canons, and if we apply his Paraphrase to the Text, it may give us some clearness. I remember amongst other notes of his this was one, that he did acknowledge the Kings Supremacy, but would joyn unto him an assistant (viz) the people, meaning this House, which being the representative body of the Commons of England, and claiming, as it is so, a share in the Legislative power, Doctor Beal calleth this a joyning of an assistant to the King, in whom soly he placeth the power of making Laws, and that it is but of grace, that he assumeth either the Lords, or Commons for the making of Laws with him. Now (Sir) the Legislative power is the greatest power, and therefore coactive, and it is the highest power, and therefore independent, and if every Estate for the proportion it hath therein, should not have such a power, it should not have it of right, as founded in the Fabric and frame of the policy and government, but of Grace, or by Commission, as Dr. Beal affirmeth. I have done with the first Canon, only I shall add this, that considering the principles and positions that are laid down therein, and comparing them with a clause towards the end of the Canon, that in no case imaginable it is lawful for Subjects to defend themselves, we may judge how farr forth these Canons were to prepare mens minds for the force that was to follow after; if the accusation against my Lord of Strafford be layed aright. For the matter it self, I hope there will never be any need to dispute that question, and I do believe they had as little need, to have published that position, had it not been upon design. As for the second Canon, therein also they have assumed to themselves a Parliamentarie power, in taking upon them, to appoint Holidiaies, whereas the Statute saith in expresse words, that such daies shall be only kept as Holidiaies as are named in the Statute, and no other, and therefore though the thing may be bonum, yet it was not done bene, because not ordained by Parliament, notwithstanding what hath been alledged to the contrary: it seemeth to me to be the appointing of an Holy day, to set a time a part for Divine service, and to force men under penalties to leave their labours, and business, and to be present at it. And of the same nature is that other clause, in the same Canon, wherein they take upon them without Parliament, to lay a charge upon the people, enjoining two Books at least for that day, to be bought at the charge of the Parish, for by the same right, that they may lay a penny on the Parish without Parliament, they may lay a pound or any greater sum.

A Government may be Coactive, yet not independent, and be jure divino, the power of a father and husband being both in many things coactive and yet certainly of divine right, and far from Independent.



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As to the third Canon, I shall pass it over, only the observation that my neighbour of the long Robe made upon it, seems unto me so good, as that it is worth the repeating, that whereas in the Canon against Sectaries there is an especial proviso, that it shall not derogate from any Statute, or Law made against them (as if their Canons had any power to disanul an Act of Parliament) there is no such proviso in this Canon against Papists, from whence it may be probably conjectured, that they might have drawn some colour of exemption from the penal Laws established against them from this Canon, because it might seem hard that they should be doubly punished for the same thing, as we know in the point of absence from the Church; the Law provideth, that if any man be first punished by the Ordinary, he shall not be punished again by the Justices.

For the fourth Canon against Socinianism, therein also these Canon-makers have assumed to themselves, a Parliament power, in determining an Heresie not determined by Law, which is expressly reserved to the determination of a Parliament. It is true, they say it is a complication of many heresies, condemned in the four first Councils, but they do not say what those Heresies are, and it is not possible that Socinianism should be formally condemned in these Councils, for it is sprung up but of late: Therefore they have taken upon them, to determine and damn a Heresie, and that so generally, as that it may be of very dangerous consequence, for condemning Socinianism for an heresie, and not declaring what is Socinianism, it is left in their breasts whom they will judge and call a Socinian. I would not have anything that I have said to be interpreted, as if I had spoken it in favour of Socinianism, which (if it be such as I apprehend it to be) is indeed a most vile and damnable heresie, and therefore the framers of the Canons, are the more to blame in the next Canon against Sectaries, wherein besides that in the preamble thereof, they lay it down for a certain ground, which the holy Synod knew full well, that other Sects (which they extend not only to Brownists and Separatists, but also to all persons, that for the space of a month, do absent themselves without a reasonable cause, from their own Parish Churches) do equally endeavour the subversion of the Discipline and Doctrine of the Church of England with the Papists, although the worst of men do not bear any proportion, in that respect to the Papists, I say besides that they make them equal in crime and punishment to the Papists, notwithstanding the great disproportion of their Tenets: there is another passage in this Canon relative to that against Socinianism, which I shall especially offer to your consideration, and that is this. If a Gentleman coming from beyond Seas should happen to bring over with him a Book contrary to the Discipline of the Church of England, or should give such a Book to his friend, nay if any man should abett, or maintain an opinion contrary thereunto, though it were but in Parliament, if he thought it fit to be altered, by this Canon he is excommunicated *ipso facto*, and lyeth under the same consideration, and is lyable to the same punishment; as if he had maintained an opinion against the Deity of Christ, and of the Holy Ghost, and of our Justification by the satisfaction of Christ.

(Sir) if in things that are in their own Nature indifferent, if in things disputable it shall be as hainous to abett or maintain an opinion, as in the most horrible and monstrous heresies, that can be imagined, what liberty is left to us as Christians? What liberty is left to us as men? I proceed to the sixth Canon, wherein these Canonists have assumed to themselves a Parliamentary power, and that in a very high degree, in that they have taken upon them to impose new Oaths upon the Kings Subjects, (Sir) under favour, of what hath been alleadged to the contrary, to impose an Oath, if it be not an higher power, than to make a Law, it is a power of making a Law of most high Nature, and of higher and farther consequence than any other Law, and I should much rather chuse that the Convocation should have a power to make Laws, to bind my person and my estate, than that they should have a power to make Oaths to binde my Conscience: a Law binds no longer than till another Law be made to alter it; but my Oath bindes me as long as I live.

Again, a Law binds me either to obedience, or to undergo the penalty inflicted by the Law, but my Oath binds me absolutely to obedience. And lastly, a Law binds me no longer than I am in the Land, or at the farthest no longer than I am a member of the State; wherein and whereby the Law is made, but my Oath once being taken doth bind me in all places, and in all conditions so long as I live. Thus much I thought good to speak, concerning the power of imposing new Oaths: as to the matter of this new Oath, it is wholly illegal. It is against the Law of this Land, it is against the Law and Light of Nature, it is against the Law of God, it is against the Laws of this Kingdom; and that no obscure Laws, nor concerning any mean or petty



petty matters. It is against the Law of the Kings Supremacy, in that it maketh Arch-bishops, Bishops, Deans, Arch-Deacons, &c. to be *jure Divino*, whereas the Law of this Land hath annexed to the Imperial Crown of this Realm, not only all Ecclesiastical Jurisdiction, but also all superioritie over the Ecclesiastical State, and it is to be derived from him by Commission under the great Seal, and consequently it is *jure humano*. Again, it is against the Oath of Supremacy, established by Law point blank, for therein I am sworn not only to consent unto, but also to assist, and to the uttermost of my power, to defend all Jurisdictions, Preheminences &c. annexed to the Imperial Crown of this Realm, of which this is one, (and that which immediately precedeth this Oath in the Statute, and whereunto it doth especially relate) That his Majesty may exercise any Jurisdictions, or Ecclesiastical Government by his Commission under the great Seal directed to such persons, as he shall think meet, so that if he shall think others persons more meet, than Arch-bishops, Bishops, &c. I am sworn in the Oath of Supremacy not only to assent therunto, but to assist, and to the uttermost of my power to defend such an appointment of his Majesty, and in the new Oath I swear never to consent unto such an alteration.

In the like manner it is against the Law and Light of Nature, that a man should swear to answer (&c.) to be knowes not what. It is against the Law and Light of Nature, that a man should swear never to consent, to alter a thing that in its own nature is alterable, and may prove inconvenient, and fit to be altered. Lastly, it is against the Law of God: for whereas there are three rules prescribed to him that will swear aright, that he swear in Judgment, in Truth and righteousness: he that shall take this new Oath, must needs break all these three Rules. He cannot swear in judgment, because this Oath is so full of ambiguities, that he cannot tell what he swears unto; not to speak of the unextricable ambiguity of the &c. There is scarce one word that is not ambiguous in the principal parts of the Oath, as first, What is meant by the Church of England, whether all the Christians in England, or whether the Clergie only, or only the Arch-Bishops, Bishops, Deanes, &c. Or whether the Convocation, or what? In like manner it is as doubtfull what is meant by the Discipline, and what by the Doctrine of the Church of England, for what some call Superstitious Innovations, if others affirm to be consonant to the Primitive, and that the purest Reformation in the time of Edward the 6. and in the beginning of the Reign of Queen Elizabeth: and so for the Doctrine of the Church of England; if all the Positions that of later years have been challenged by some Divines to be Arminian and Popish and contrary to the Articles of our Religion, and which on the other side have been asserted and maintained as consonant to the Doctrine of our Church, and if the Articles of Religion were gathered together, they might make a pretty volume: Nay, Sancta Clara will maintain in despite of the Puritanes, that the Doctrin of the Church of Rome, is the Doctrin of the Church of England. Truly it were very fit that we knew, what were the Doctrin and Discipline of the Church of England before we swear to it, and then (Sir) give me leave to say, that I should be very loath to swear to the Discipline, or to the Doctrine and Tenets of the purest Church in the World, as they are collected by them, farther than they agree with the Holy Scriptures.

Lastly, it is as doubtful what is meant, by the Doctrin and Discipline established, and what by altering and consenting to alter, whether that is accompted, or established, which is established by a Act of Parliament, or whether that also that is established, by Canons, Injunctions, &c. and whether it shall not extend to that which is published by our Divines with the allowance of authority, and so for consenting to alter whether it be only meant, that a man shall not be active in altering, or whether it extend to any consent, and so that a man shall not submit to it, nor accept of it, being altered by the State.

More ambiguities might be shewn, but these are enough to make it clear, that he that shall take this Oath cannot swear in judgment. Nor can he swear in Truth, for it is full of untruths. It is not true, that Discipline is necessary to Salvation. It is not true, that Arch-Bishops, Bishops, Deanes, Arch-Deacons, &c. are *jure Divino*, as they must needs be, if the Law-makers ought of right to establish them, as they are established: for the Law-makers are not bound as of right, to frame their Laws to any other than the Laws of God alone. Now whether Bishops be *jure Divino*, we know it is a dispute among the Papists, and never did any Protestant hold it till of late years, but that Arch-Bishops, Deans, Arch-Deacons, &c. should be *jure Divino*, I doe not know that ever any Christian held it before, and yet he that taketh this Oath must swear it. Lastly, as he that taketh this Oath cannot swear in Judgment nor in



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Truth, so neither can he swear in Righteousness, for it is full of unrighteousness, being indeed, as hath been well opened, a Covenant in effect against the King and Kingdom; for if the whole State should find it necessary to alter the Government by Arch-Bishops, Bishops, &c. a great part of the Kingdom, especially of the Gentry (for not only the Clergy, but all that take Degrees in the Universities are bound to take it) will be preingaged not to consent to it, or admit of it. Again it is a great wrong to those that shall be Parliament-men, that their freedom shall be taken away being bound up by an Oath, not to consent to the altering of a thing, which it may be fit and proper for a Parliament to alter. And suppose that for the present it be no hinderance to the service of God, nor yet burdensome to the King and Kingdom; yet if it should prove so hereafter, for a man to be bound by an Oath never to consent to alter it, may be a great wrong to God in his service, and to the King and Kingdom in their peace and welfare, and therefore this Oath, cannot be taken in Righteousness. For the other Oath de parendo juri Ecclesiæ, & stando mandatis Ecclesiæ, though it makes less noise than the other, yet it is not of less dangerous consequence. If I remember well the Storie, this was the Oath that the Pope made King John to take, and when he had sworn *stare mandatis Ecclesiæ*, the Pope commanded him to resign his Kingdom to him, and truly be he Gentleman or Nobleman, or what ever else, when he hath once put his neck into this noze, his Ghostly Fathers may drag him whither they will, for they have the quantity and the quality of the penance in their own breast, and if they shall enjoin him to give any summ towards the building of a Church, or the adorning of a Chappel, he must pay it; or if they should enjoin him any servile or base action (as there are not wanting examples of that kind in the time of Popery) they are sworn *stare mandatis Ecclesiæ*, & so cannot recede, but must perform it. Nay, I dare not warrant any man from the rods of Henry the second, or of Raymond of Tholouze; what hath been done may be done, I am sure the power is the same. And that other Oath also (though more usual in practice, and more confirmed by these new Canons) which is administred to Church-wardens, would be looked into. For it is hardly possible for them that take it, not to be forsworn, being they swear to so many particulars, that they cannot mind, & to some that they cannot understand, as how many Church-wardens are there in England, that understand what Socinianism is, in case they be sworn, to present the offenders against that Canon, which concerns that matter. I shall only add a word or two concerning two Canons more, which seem to be Canons of Reformation.

The first is, concerning Excommunication, to be pronounced only by a Divine, wherein it is alledged for the framers of these Canons, that if they have not more Law on their sides, yet they may seem to have more Reason. For my part, as in all other things, I think they have so mended the matter, that they have made it far worse, for before that which was found fault with was this, that a Lay-man did that which the grave Divine should have done, and now the grave Divine must do what ever the Lay-man would have done, for the cognisance of the cause, and the power of Judicature is wholly in the Lay-man, only the grave Divine is to be his servant, to execute his sentences, and hath such a kind of managing the spiritual sword allowed only to him as the Papists in some cases were wont to afford unto the civil Magistrate, in respect of the Temporal sword, for as if the Civil sword by an implicate Faith had been pinned to the Lawn-sleeves, they condemned men of Heresie, and then delivered them over to the Secular power: but what to do? Not to have any cognisance of the cause, nor to exercise any power of judicature, but only to be their executioners, and to burn the Heretick whom they had condemned, and so they judged men excommunicate, and then the Civil power was to send out writs de excommunicato capiendo against them, but one said well, that the sword without cognisance of the cause, and judgment, was like Polyphemus without his Eye, it became violence and fury. But being accompanied with the eye of judgment, it is Equity and Justice: and surely where the Spiritual or Civil Governour is called upon to strike, he must be allowed to see and judge whom and wherefore he strikes, otherwise he will be able to give but an ill accompt to God, of the managing of the Sword wherewith he is intrusted.

The other Canon is the last Canon against vexatious Citations, wherein they seem to have some sence of the great grievances that poor people lye under; by occasion of vexatious Citations, and Molestations in Ecclesiastical Courts, and I verily believe, that there is not a greater oppression in the whole Kingdom upon the poorer sort of people, than that which proceedeth out of these Courts. But now (Sir) let us see what provision they have made against it by this Canon. They say, because great grievances may fall upon people by citations upon pretence only, of the breach of that Law without any presentment, or any other just ground, that no citations grounded only as aforesaid, shall issue out,  
except



except it be under the Hand and Seal of the Chancellor, Commiffarie, Arch-Deacon, or other competent Judge, so that (if there be any sence in these words) though there be no presentment at all, nor any other just ground, yet a citation may issue out, so it be under the Hand and Seal of the Chancellor, Commiffary, or other competent Judge, and the party shall not be discharged without paying his fees, nor have any relief by this Canon. But suppose the Citation be not under the Hand and Seal of any competent Judge, and that there was neither presentment nor any just ground for it, shall he then be dismissed without paying any fees? No, unless first contrary to the Law of Nature, there being no presentment, nor just ground of accusation against him, he shall by his Oath purge himself of pretended breaches of Law, and then too he shall only have the fees of the Court remitted, but shall have no satisfaction for his troublesome and chargeable journey, and for the loss of his time, and being drawn away from his affairs. Nay, lest they should seem to have been too liberal of their favour, they add a proviso in the close of the Canon, that this grace of theirs shall not extend to any grievous crime, as Schism, Incontinency, misbehaviour in the Church, or obstinate inconvormity. And what do they call misbehaviour in the Church? If a man do not kneel at the Confession, or have his hat on, when the Lessons are reading. In like manner what do they call obstinate inconvormity? If a man will not think what they would have him think, if a man will not say what they would have him say, if a man will not swear what they would have him swear, if a man will not read what they would have him read, if a man will not preach what they would have him preach, if a man will not pray what they would have him pray; In short, if a man will not do what ever they would have him do, then he is an inconvormist, and after that they have duly admonished him, primo, secundo, tertio, all in one breath, then he is contumacious, then he is an obstinate Inconvormist.

Now (Sir) my humble motion is, that in consideration of all the premisses, and what besides hath been well laid open by others; we should proceed to damn these Canons, not only as contrary to the Laws of the Land, but also as containing sundry matters, destructive of the rights of Parliaments, and of the fundamental and other principal Laws of this Kingdom, and otherwise of very dangerous consequence.

Mr. Holborn then stood up and desired to be first heard before the House proceeded to any Resolution about them; upon which the Debate was for that time put off.

This Day being Decemb. 15. the Lord Viscount Mountague signified to the House of Lords, That himself and divers other Peers were lately Indicted for Recusancy, now sitting the Parliament, and therefore desired their Lordships to take it into their Consideration, whether it be not a breach of the Priviledg of Parliament. Whereupon after some Debate, it was Ordered by the House, That the said Lord Viscount Mountague, and the rest of the Lords being Members of this Honorable House, should Enjoy and be allowed their Priviledge of Parliament as Peers of the Realm, and the said Indictments so Prosecuted as aforesaid, shall be stopped during the continuance of this Parliament, and the time of the Priviledges of the same.

The Debate about the New Canons was reassumed in the House of Commons, and Mr. Holborn argued two hours in Justification of them; but I have not been able to gratifie the Reader with his arguments; it being the constant method of that Age to discourage the printing of any thing that did oppose them, by which means very few Speeches, or Arguments of the Loyal Party have been rescued from oblivion, or transmitted to posterity; whereas every thing that was said, or done in favour of the then Proceedings, was with great Care and Industry divulged and spread abroad throughout the Nation, which did not a little help to prepossess the People and increase their prejudices against the King, the Bishops and the Government; for they only heard what one Party could say; and from thence judged them in the Right, and that the other could make no Answer, and that no Answer was to be made: and these partial Representations proved extremely mischievous to his Majesties

1640.

Order of the Lords to indimissie Popish Lords and stop indictments against them, for Recusancy.

Tuesday December 15.



1640.

Sir Benjamin  
Rudyard's  
Speech about  
dismounting  
the Canons,  
Decemb. 15,  
1640.

affairs, when the People being under such high prepossessions and prejudices, would not, could not be induced, to give any credit to his Declarations published for his own Vindication, and their satisfaction and Information.

Mr. Speaker,

**A** Man may easily see to what tend all these Innovations and Alterations in Doctrine, and Discipline; and (without a prespective) discover a farr off the active royl-somness of these Spiritual Engineers, to undermine the old and true foundations of Religion, and to establish their tottering Hierarchy in room thereof; which lest it should not hold, being built with untempered mortar, you see how careful they are by a vast Oath to force mens consciences, not to alter their government Archiepiscopal, &c.

Mr. Speaker, the thoughts of the righteous are right, but the Counsels of the wicked are deceit, and nothing else is in their hearts but destruction and devastation; but to the Counsellours of peace is joy; So long as they kept themselves within the circuit of spiritual commerce; and studied to keep mens hearts upright to God and his truth; there was no such complaining in our streets of them, nor had we ever seen so many thousand hands against them, as now there are come in; and no marvel though God withdraw so many hearts and hands from them: who have turned so many out of the way of truth: via Tuta, they have stopt up; but via Devia, they have enlarged and laid open, as appears by their crooked Canons.

Mr. Speaker, I shall not go about to overthrow their government in the plural, but to limit and qualifie it in some particulars; for as Sir Francis Bacon long since well observed, there were two things in the government of Bishops; of which he could never be satisfied: no more am I. The first was the sole exercises of their Authority: And secondly, the deputation of that authority. But Mr. Speaker, I shall not now dispute of either; for my own part I love some of them so well, and am so charitable to the rest, that I wish rather their reformation, than their ruin; but let me tell you withall, that if wee shall find among them any proud Becket, or Wolsey Prelates, who stick not to write, Ego & Rex meus: or if there shall be found any cruel Bonners &c. such, I profess, I would not spare; for they will spare none: but if in the counter-balance there may be found but one good Cranmer, or one good Latimer, or Ridley, I would esteem and praise them (as rich jewels) fit to be set in the Kings own Cabinet; for such I am sure will pray for the peace of Jerusalem, and for the peace of King Charles, and his three Kingdoms; which God long preserve in concord and unity. But Mr. Speaker, we must also be actors in the preservation of Religious concordance, which will never be safe nor well as quiet, until these heavie drossie Canons with all their base metall be melted and dissolved: let us then dismount them, and destroy them, which is my humble Motion.

Upon which the House proceeded to these following Resolutions.

Resolved upon the Question (*nullo contradicente*)

Resolves about  
the Canons.

*That the Clergy of England convented in any Convocation or Synod or otherwise, have no power to make any Constitutions, Canons, or Acts whatsoever in matters of Doctrine, Discipline, or otherwise, to bind the Clergy or Laity of this Land, without common Consent in Parliament.*

Resolved, &c.

Where was  
now the Kings  
Supremacy?

*That the several Constitutions and Canons Ecclesiastical treated upon by the Archbishops of Canterbury and York, Presidents of the Convocations for the respective Provinces of Canterbury and York, and the rest of the Bishops and Clergy of those Provinces, and agreed upon with the Kings Majesties Licence in their several Synods begun at London and York 1640, do not bind the Clergy or Laity of the Land, or either of them.*

This day the Lords took into further Consideration the Privilege of those Lords who being Recusants were Members of their House, and it was Ordered as followeth: Whereas



**W** Hereas it was Ordered yesterday, That the Indictment preferred against the Lord Viscount Mountague and some other Peers of this Realm for Recusancy contrary to the Priviledg of Parliament, being done in time of Parliament, should be stopt, and no further proceedings to be therein during the Priviledg of Parliament; It is this day further Ordered by this House, That the said Indictments be brought by Writ of Certiorari into the Kings-Bench, and that Mr. Attorney General do enter upon the Roll a Non Pros to that which concerns the Priviledg of the Peers; to the intent that their Wives, Children, and Menial Servants may be allowed the Priviledge during the time of Parliament, and Twenty dayes after every Session: and if in case the Judges do find out any other way which is as Effectual and Safe as the aforesaid Direction, then to acquaint the House therewith, and to Receive the Direction of the House therein, and the said Judges are to take it and proceed therein.

1640.  
Further Order for Lords Recusant their Wives, Children, and Servants, to be indemnified from Prosecution during this Parliament.

It may occasion some admiration that the Commons took no Notice of these Orders so favourable to Papists, when at the same time they were so severe upon the Secretaries of State for granting Letters of Grace to some Few Recusants upon the intercession of the Queen Mother and Forreign Ambassadors; and that afterwards Mr. Prinn writ a Book called the *Royal Popish Favourite*, wherein he endeavours from these Letters of Grace to prove the King if not a Papist, yet Popishly affected; by which it is Evident, that the Quarrel was not at Things but Persons, and that though Priviledge was to be Esteemed Sacred, yet Royal Prerogative was not to be valued or Esteemed at all.

Upon this day the House of Commons reassumed the Debate about the Canons, and it was

Wednesday,  
Decemb. 16.

Resolved upon the Question, *Nullo contradicente*,

That these Canons and Constitutions Ecclesiastical treated upon by the Archbishops of Canterbury and York Presidents of the Convocations for the respective Provinces of Canterbury and York, and the rest of the Bishops and Clergy of those Provinces, and agreed upon with the Kings Majesties Licence in their severall Synods begun at London and York, 1640! do contain in them many matters contrary to the Kings Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Rights of Parliament, to the Properey and Liberty of the Subject, and Matters tending to Sedition, and of dangerous consequence.

Resolved, &c.

That the severall Grants of the Benevolence or Contribution granted to his most Excellent Majesty by the Clergy of the Provinces of Canterbury and York in the severall Convocations or Synods holden at London and York 1640, are contrary to the Laws, and ought not to bind the Clergy.

Mr. Pym.  
Sir Walter Erle,  
Sir Edw. Hungerford,  
Mr. Glyn.  
Sir Jo. Strangeways,  
Sir Ed. Deering,  
Mr. Tong,  
Sir Will. Litton,

Mr. Hollis,  
Sir Jo. Hotham,  
Mr. Bagshaw,  
Mr. Grimston,  
Mr. Hambden,  
Sir Tho. Barrington,  
Mr. A. Goodwin,  
Sir Gilb. Gerard,

Sir Fra. Seymour,  
Sir Guy Palmes,  
Sir Hen. Anderson,  
Sir Miles Fleetwood,  
Mr. Nat. Fiennes,  
Sir Robert Harlow,  
Mr. Strangeways,  
Sir Hugh Cholmley,

Committee  
for the Ca-  
nons, &c.

Sir



1640.



Sir Oliver Luke,

Mr. Perd,

Sir Robert Howard,

Mr. Coke,

Mr. White,

Mr. Rigby,

Sir Tho. Widdrington,

Mr. Palmer,

Mr. Maynard,

Mr. Whistler,

Mr. Pellham,

Mr. St. Johns,

Mr. Rogers,

Mr. Whitlock,

Mr. Weston,

were appointed a Committee to prepare these several Votes in order to present them to the Lords; and to consider and Examine who were the promoters of these new Canons, and who the principal Actors; and what Execution has been made upon them, and by whom; and to consider in particular how far the Archbishop of *Canterbury* hath been an Actor in all the proceedings of them, and in the Great Design of the Subversion of the Laws of the Realm, and of the Religion; and to prepare and draw up a Charge against him and such others as shall appear Offenders.

There were some who stood up and moved to have the Archbishop accused of High Treason; but it was thought the more regular way to proceed by a Committee, and so was ordered accordingly.

This day also a Bill was read concerning the Queens Joynture, only a little to qualifie the other more violent proceedings; for the Bill never came to any Effect.

Thursday,  
Decemb. 17.  
Scots Papers about L. Archbishop of *Cant.* and L. Lieutenant of *Ireland* carried to a Conference before they were read in the House of Peers.

This Day the Earl of *Bristol* acquainted the House of Lords, that the *Scottish* Commissioners have presented some Papers concerning the Lord Archbishop of *Canterbury*, and the Lord Lieutenant of *Ireland*, and moved that in regard it was late, their Lordships would dispence with the Reading of them in the House, being they were to be read presently alter at the Conference with both Houses, which was condescended unto, but not to be drawn into precedent hereafter.

A Committee was appointed to consider of Dr. *Bastwicks* Case and report it to the House.

The Kings answer to the Message about the Revenue.

Mr. Treasurer delivered a Message from his Majestie in answer to their desires of liberty to inspect the Revenue *in hec verba*.

His Majestie doth very graciously interpret the Message, and returns thanks to the House, and doth give free leave to enter into the Debate of his Majesties Revenue and Expences, and hath given Order, that all his Officers and Ministers shall assist the House as there is occasion.

He further acquainted them, that two Ships were sent by his Majesties Order to scour the Seas, upon a complaint of 10 *Algerines* being upon the Western Coasts.

Conference about the Scots.

At a Conference between the two Houses, the Earl of *Bristol* acquainted the Commons, That the *Scots* Commissioners had informed the *English* Commissioners, that if there were not a present supply in money afforded them, their Army must of necessity plunder; and that this was not spoken by way of threatning, but out of a Sence they had of the extream wants of their Army. This Indignity, which another time would have been resented with the most generous Indignation by the *English* Courage, was tamely pocketed up, the *Scots* Commissioners having giving in a Charge in Writing against the Earl of *Straford* and the Archbishop of *Canterbury*, which was at the Conference read and was seasonable and serviceable to the great Design on foot; the Accusation of the Archbishop it was as followeth.

Scots threaten to plunder, if they have not money.



**N**ovations in Religion, which are universally acknowledged to be the main cause of commotions in Kingdoms and States, and are known to be the true cause of our present troubles, were many and great, beside the book of Ordination, and Homilies.

1. Some particular alterations in matters of Religion, pressed upon us without order, and against Law, contrary to the form established in our Kirk. 2. A new book of Canons and Constitutions Ecclesiastical. 3. A Liturgy, or book of Common-prayer, which did also carry with them many dangerous errors in matters of Doctrine. Of all which we challenge the Prelate of *Canterbury*, as the prime cause on earth.

And first, that this Prelate was the Author and urger of some particular changes, which made great disturbance amongst us, we make manifest. 1. By fourteen letters subscribed, *W. Cant.* in the space of two years, to one of our pretended Bishops, *Bannatine*, wherein he often enjoyneth him, and other pretended Bishops, to appear in the Chappel in their whites, contrary to the custom of our Kirk, and to his promise made to the pretended Bishop of *Edinburgh*, at the Coronation, that none of them after that time, should be pressed to wear these garments, thereby moving him against his will to put them on for that time; wherein he directed him to give order for saying the English Service in the Chappel twice a day, for his neglect shewing him, that he was disappointed of the Bishoprick of *Edinburgh*, promising him upon the greater care of these Novations, advancement to a better Bishoprick, taxing him for his Boldness in Preaching the sound Doctrine of the reformed Kirks, against Master *Mitchel*, who had taught the errors of *Arminius* in the point of the extent of the merit of Christ, bidding him send up a list of the names of the Councillors and Senators of the Colledge of Justice, who did not communicate in the Chappel, in a form which was not received in our Kirk, commending him when he found him obsequious to these his commands; telling him that he had moved the King the second time for the punishment of such as had not received in the Chappel: and wherein he upbraided him bitterly, that in his first Synod at *Aberdeen*, he had only disputed against our custom of *Scotland*, of fasting sometimes on the Lords day, and presumptuously censoring our Kirk, that in this we were opposite to Christianity it self, and that amongst us there were no Canons at all: More of this stile may be seen in the letters themselves.

Secondly, by two papers of memoirs and instructions from the pretended Bishop of *Saint Androis*, to the pretended Bishop of *Rosse*, coming to this Prelate for ordering the affairs of the Kirk, and Kingdom of *Scotland*; as not only to obtain warrants, to order the Exchequer, the Privy Council, the great Commission of Surrenders, the matter of *Balmerino's* process, as might please our Prelats, but warrants also for sitting of the High-Commission Court once a week in *Edinburgh*, and to gain from the Noblemen, for the benefit of Prelates, and their adherents, the Abbacies of *Kelso*, *Arbroith*, *St. Androis*, and *Lindors*, and in the smallest matters to receive his command, as for taking down Galleries and stone-walls in the Kirk of *Edinburgh*, and *St. Androis*, for no other end but to make way for Altars, and adoration towards the East; which beside other evils, made no small noise and disturbance amongst the People, deprived hereby of their ordinary accommodation for publick worship.

The second Novation which troubled our peace, was a book of Canons, and Constitutions Ecclesiastical, obtruded upon our Kirk, found by our general Assembly, to be devised for establishing a tyrannical power in the persons of our Prelates, over the worship of God, over the consciences, liberties, and goods of the People; and for abolishing the whole Discipline and Government of our Kirk, by general and provincial Assemblies, Presbyteries, and Kirk-Sessions which was settled by Law, and in continual practice since the time of Reformation; that *Canterbury* was Master of this work is manifest,

By a book of Canons sent to him, written upon the one side only, with the other side blank, for corrections, additions, and putting all in better order at his pleasure; which accordingly was done, as may appear by interlinings and marginals, and filling up of the blank page, with directions sent to the Prelates; and that it was done by no other than *Canterbury*, is evident by his Ma-

1640.

The Scots Commissioners Charge against the Earl of *Stratford* and Archbishop of *Canterbury*.



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gisterial way of prescribing, and by a new copy of these Canons, all written with St. *Andrews* own hand, precisely to a letter, according to the former castigations sent back for procuring the Kings warrant unto it, which accordingly was obtained; but with an addition of some other Canons, and a paper of some other corrections. According to which, the book of Canons thus composed, was published in Print, the inspection of the books, instructions, and his Letters of joy for the success of the work, and of other letters of the Prelate of *London*, and the Lord *Sterling*, to the same purpose; all which we are ready to exhibit, will put the matter out of all debate.

Besides this general, there be some things more special worthy to be adverted unto, for discovering his spirit. 1. The fourth Canon of *Cap. 8.* forasmuch as no Reformation in Doctrine or Discipline can be made perfect at once in any Church; therefore it shall, and may be lawful for the Church of *Scotland* at any time to make Remonstrance to his Majesty or his Successors, &c. Because this Canon holdeth the door open to more Innovations: He writeth to the Prelate of *Rosse*, his privy Agent in all this work of his great gladness, that this Canon did stand behind the Curtain, and his great desire that this Canon may be Printed fully, as one that was to be most useful. Secondly, the Title prefixed to these Canons by our Prelates; *Canons agreed upon to be proponed to the several Synods of the Kirk of Scotland*; is thus changed by *Canterbury*; *Canons and Constitutions Ecclesiastical, &c. Ordained to be observed by the Clergy.* He will not have Canons to come from the authority of Synods, but from the power of Prelates, or from the Kings Prerogative. Thirdly, the formidable Canon, *Cap. 1. 3.* threatening no less than Excommunication against all such persons whosoever shall open their mouths against any of these Books, proceeded not from our Prelates, nor is to be found in the Copy sent from them, but is a Thunder-bolt forged in *Canterburies* own fire. 4. Our Prelates in divers places witness their dislike of Papists. A Minister shall be deposed if he be found negligent to convert Papists. *Cap. 18. 15.* The adoration of the Bread is a superstition to be condemned. *Cap. 6. 6.* They call the absolute necessity of Baptism, an error of Popery. *Cap. 6. 2.* But in *Canterburies* Edition, the name of Papists and Popery is not so much as mentioned. 5. Our Prelates have not the boldness to trouble us in their Canons, with Altars, Fonts, Chancels, reading of a long Liturgie before Sermon, &c. But *Canterburie* is punctual, and peremptory in all these. Although the words of the tenth Canon *cap. 3.* be fair, yet the wicked intentions of *Canterburie* and *Rosse*, may be seen in the point of justification of a sinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and printed, our Prelates say thus: *It is manifest that the superstition of former Ages, hath turned into a great prophaneness, and that people are grown cold for the most part in doing any good, thinking there is no place to good works, because they are excluded from justification. Therefore shall all Ministers, as their Text giveth occasion, urge the necessities of good works, as they would be saved, and remember that they are via regni, the way to the Kingdome of Heaven, though not causa regnandi, howbeit they be not the cause of salvation.* Here *Rosse* giveth his judgment, *That he would have this Canon, simply commanding good works to be preached, and no mention made what place they have, or have not in justification.* Upon this motion, so agreeable to *Canterburies* mind, the Canon is set down as it standeth without the distinction of *via regni*; or *causa regnandi*, or any word sounding that way, urging only the necessity of good works. 7. By comparing Can. 9. *cap. 18.* as it was sent in writing from our Prelates, and as it is printed at *Canterburies* command, may be also manifest, that he went about to establish auricular confession, and Popish absolution. 8. Our Prelates were not acquainted with Canons, for afflicting of Arbitrary penalties: But in *Canterburies* book, wheresoever there is no penalty expressly set down, it is provided that it shall be arbitrary, as the Ordinary shall think fittest. By these and many other the like, it is apparent, what tyrannical power he went about to establish in the hands of our Prelates, over the worship, and the Souls and goods of men, overturning from the Foundation, the whole order of our Kirk, what seeds of Popery he did sow in our Kirk, and how large an entry he did make for the grossest Novations afterward, which hath been a main cause of all their combustion.

The third and great Novation was the book of Common-Prayer, administration



stration of the Sacraments, and other parts of Divine Service, brought in without warrant from our Kirk to be universally received, as the only form of divine Service, under all highest pains both Civil and Ecclesiastical, which is found by our National Assembly; besides the Popish frame and forms in Divine worship, to contain many Popish errors, and ceremonies, and the seeds of manifold and gross superstitions and idolatries, and to be repugnant to the Doctrine, Discipline, and order of our Reformation, to the confession of faith, constitutions of general Assemblies, and Acts of Parliament, establishing the true Religion: that this also was *Canterburies* work, we make manifest.

By the memoirs, and instructions sent unto him from our Prelates, wherein they gave a special account of the diligence they had used, to do all which herein they were enjoined, by the approbation of the Service book sent to them; and of all the marginal corrections, wherein it varieth from the *English* book, shewing their desire to have some few things changed in it, which notwithstanding was not granted: This we find written by Saint *Androis* own hand, and subscribed by him, and nine other of our Prelates.

By *Canterburies* own Letters, witnesses of his joy, when the book was ready for the Press, of his prayers that God would speed the work, of the hope to see that Service set up in *Scotland*, of his diligence to send for the Printer, and directing him to prepare a black letter, and to send it to his Servants at *Edinburgh*, for printing this book. Of his approbation of his proofs sent from the Press. Of his fear of delay, in bringing the work speedily to an end, for the great good, (not of that Church, but) of the Church. Of his encouraging *Ross*, who was entrusted with the Press, to go on in this peace of service without fear of Enemies. All which may be seen in the Autographs, and by letters sent from the Prelate of *London* to *Rosse*, wherein as he rejoiceth at the sight of the *Scottish* Canons; which although they should make some noise at the beginning, yet they would be more for the good of the Kirk, than the Canons of *Edinburgh*, for the good of the Kingdom. So concerning the Leiturgy he sheweth, that *Rosse* had sent to him, to have an explanation from *Canterbury* of some passage of the Service book, and that the Press behoved to stand, till the explanation come to *Edinburgh*, which therefore he had in hast obtained from his Grace, and sent the dispatch away by *Canterburies* own conveyance.

But the book it self as it standeth interlined, margined, and patcht up, is much more than all that is expressed in his letter, and the changes and supplements themselves taken from the *Mas-book*, and other Romish Rituals, by which he maketh it to vary from the Book of *England*, are more pregnant testimonies of his Popish spirit, and wicked intentions which he would have put in execution upon us, than can be denied. The large declaration professeth, that all the variation of our book, from the book of *England*, that ever the King understood, was in such things as the *Scottish* humour would better comply with, than with that which stood in the *English* Service. These Popish innovations therefore have been surreptitiously inserted by him, without the Kings knowledge, and against his purpose. Our *Scottish* Prelates do petition that something may be abated of the *English* ceremonies, as the Cross in Baptisme, the Ring in Marriage, and some other things. But *Canterbury* will not only have these kept, but a great many more, and worse super-added, which was nothing else, but the adding of fewel to the fire. To express and discover all, would require a whole book, we shall only touch some few in the matter of the Communion.

This book inverteth the order of the Communion in the book of *England*, as may be seen by the numbers, setting down the orders of this new Communion, 1. 5. 2. 6. 7. 3. 4. 8. 9. 10. 15. Of the divers secret reasons of this change, we mention one only; in joyning the Spiritual praise and thanksgiving, which is in the book of *England*, pertinently after the Communion, with the prayer of Consecration before the Communion, and that under the name of memorable or oblation, for no other end, but that the memorial and sacrifice of praise, mentioned in it, may be understood according to the Popish meaning. *Bellar. de Missa, lib. 2. cap. 21.* Not of the Spiritual sacrifice, but of the oblation of the body of the Lord.



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It seemeth to be no great matter, that without Warrant of the book of *England*, the Presbyter going from the North-end of the Table, shall stand during the time of Consecration, at such a part of the Table, where he may with the more ease and decency use both hands; yet being tryed, it importeth much, as that he must stand with his hinder parts to the People, representing (saith *Durand*) that which the Lord said of *Moses*, *Thou shalt see my hinder parts*. He must have the use of both his hands, not for any thing he hath to do about the bread and wine, for that may be done at the North-end of the Table, and be better seen of the People; but (as we are taught by the Rationalists) that he may be stretching forth his arms, to represent the extension of Christ on the Cross, and that he may the more conveniently lift up the bread and Wine above his head to be seen and adored of the people, who in the Rubrick of the general Confession, a little before, are directed to kneel humbly on their knees; that the Priests elevation so magnified in the Mass, and the peoples adoration may go together; That in this posture, speaking with a low voice, and muttering (for sometimes he is commanded to speak with a loud voice, and distinctly) he be not heard by the people; which is no less a mocking of God, and his people, than if the words were spoken in an unknown language. As there is no word of all this in the *English Service*, so doth the book in King *Ed.* time, give to every Presbyter his liberty of gesture, which yet gave such offence to *Bucer*, (the censurer of the book: and even in *Cassander's* own judgment, a man of great moderation in matters of this kind) that he calleth them, *Nunquam satis execrandos Missæ gestus*, and would have them to be abhorred, because they confirm to the simple and superstitious *ter impiam & exitialem Missæ fiduciam*.

The corporal presence of Christs body in the Sacrament, is also to be found here: for the words of the Mass-book serving to this purpose, which are sharply censured by *Bucer* in King *Ed.* Leiturgy, and are not to be found in the book of *England*, are taken in here. Almighty God is incalled, that of his Almighty goodness he may vouchsafe so to bless and sanctifie with his Word and Spirit, these gifts of bread and wine, that they may be unto us the body and blood of Christ.

The change here is made the work of Gods omnipotence: the words of the Mass, *ut fiant nobis*, are translated in King *Edwards* book, *That they may be unto us*, which are again turned into Latine by *Alsius*, *ut fiant nobis*. On the other part, the expressions of the book of *England* at the delivery of the Elements of feeding on Christ by faith, and of eating and drinking in remembrance that Christ dyed for thee, are utterly dealeated. Many evidences there be in this part of the Communion, of the bodily presence of Christ, very agreeable to the doctrines taught by his Secretaries, which this paper cannot contain. They teach us that Christ is received in the Sacrament, *Corporaliter*, both *objective* and *subjective*. *Corpus Christi est objectum quod recipitur, & corpus nostrum subjectum quo recipitur*.

The book of *England* abolisheth all that may import the oblation of any unbloudy Sacrifice; but here we have besides the Preparatory oblation of the Elements, which is neither to be found in the book of *England* now, nor in King *Edwards* book of old, the oblation of the body and blood of Christ, which *Bellarmino* calleth, *Sacrificium Landis, quia Deus per illud magnopere laudatur*. This also agreeth well with their late Doctrine. We are ready when it shall be judged convenient, and we shall be desired, to discover much more matters of this kind, as grounds laid for *missa secca*, or the half mass, the private mass without the People, of communicating in one kind. Of the consumption by the Priest, and consummation of the Sacrifice, of receiving the Sacrament in the mouth, and not in the hand, &c.

Our Supplications were many against these books, but *Canterbury* procured them to be answered with terrible Proclamations. We were constrained to use the remedy of Protestation; but for our protestations, and other lawful means which we used for our deliverance, *Canterbury* procured us to be declared Rebels and Traitors in all the Parish Kirks of *England*, when we were seeking to possess our Religion in peace, against these devices and Novations, *Canterbury* kindled War against us. In all these it is known that he was, though not the sole, yet the principal Agent and Adviser.

When



When by the Pacification at *Berwick*, both Kingdoms looked for Peace and Quietness, he spared not openly in the hearing of many, often before the King, and privately at the Councel-Table, and the privy Jointo to speak of us as Rebels and Traytors, and to speak against the Pacification as dishonourable, and meet to be broken. Neither did his malignancy and bitterness ever suffer him to rest, till a new War was entred upon, and all things prepared for our destruction.

I 6 4 0.

By him was it that our Covenant approved by National Assemblies, subscribed by his Majesties Commissioner, and by the Lords of his Majesties Councel, and by them commanded to be subscribed by all the Subjects of the Kingdom, as a testimony of our Duty to God, and the King, by him was it still called *ungodly, damnable, Treasonable*; by him were Oaths invented, and pressed upon divers of our poor Country-men, upon the pain of Imprisonment, and many miseries, which were unwarrantable by Law, and contrary to their National Oath.

When our Commissioners did appear to render the Reasons of our Demands, he spared not in the presence of the King, and Committe, to rail against our National Assembly, as not daring to appear before the World, and Kirks abroad, where himself and his actions were able to endure tryall, and against our just and necessary defence, as the most malicious and Treasonable contempt of Monarchial Government that any by-gone Age hath heard of: His hand also was at the Warrant for the restraint and imprisonment of our Commissioners, sent from the Parliament, warranted by the King, and seeking the Peace of the Kingdomes.

When we had by our Declarations, Remonstrances, and Representations manifested the truth of our intentions, and lawfulness of our actions, to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to assist, or enter in War against us, maintaining our Religion, and Liberties; *Canterbury* did not onely advise the breaking up of that High and Honourable Court, to the great grief and hazard of the Kingdom; but (which is without example) did sit still in the Convocation, and make Canons and Constitutions against us, and our just and necessary defence, Ordaining under all highest pains, That hereafter the Clergy shall Preach four-times in the Year, such Doctrine as is contrary not only to our proceedings, but to the Doctrine and proceedings of other Reform'd Kirks, to the Judgment of all sound Divines, and Politiques, and tending to the utter Slavery and Ruining of all Estates and Kingdoms, and to the dishonour of Kings and Monarchs. And as if this had not been sufficient, he procured six Subsidies to be lifted of the Clergy, under pain of deprivation to all that should refuse. And which is yet worse, and above which malice it self cannot ascend, by his means a Prayer is framed, printed, and sent through all the Paroches of *England*, to be said in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, against our Nation by name of *Trayterous Subjects*, having cast off all obedience to our Anointed Sovereign, and coming in a rebellious manner to invade *England*, that shame may cover our Faces, as Enemies to God, and the King.

Whosoever shall impartially examine what hath proceeded from himself, in these two books of Canons and Common-prayer, what Doctrine hath been published and printed these years by-past in *England*, by his Disciples and Emissaries, what gross Poperie in the most material points we have found, and are ready to shew in the posthume writings, of the Prelate of *Edinburgh*, and *Dumblane*, his own Creatures, his nearest familiars, and most willing instruments to advance his councils, and projects, shall perceive that his intentions were deep and large against all the reformed Kirks, and reformation of Religion, which in his Majesties Dominions was panting, and by this time had rendred up the Ghost, if God had not in a wonderful way of mercy prevented us: and that if the Pope himself had been in his place, he could not have been more Popish, nor could he more zealously have negotiated for *Rome*, against the reformed Kirks, to reduce them to the Heresies in Doctrine, the Superstitions and Idolatry in worship, and the Tyranny in Government which are in that See, and for which the reformed Kirks did separate from it, and come forth of *Babel*. From him certainly hath issued all this deluge, which almost hath overturned all. We are therefore confident that



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that your Lordships will by your means deal effectually with the Parliament, that this great firebrand be presently removed from his Majesties presence, and that he may be put to tryal, and put to his deserved censure according to the Lawes of the Kingdome, which shall be service to God, honour to the King and Parliament; terror to the wicked, and comfort to all good men, and to us in special; who by his means principally have been put to so many and grievous afflictions, wherein we had perished, if God hath not been with us.

We do indeed confess, That the Prelates of *England* have been of very different humors, some of them of a more hot, and others of them, men of a more moderate temper; some of them more, and some of them less inclinable to Popery: yet what known truth, and constant experience hath made undeniable, we must at this opportunity profess, That from the first time of Reformation of the Kirk of *Scotland*, not only after the coming of King *James* of happy Memory into *England*, but before, the Prelates of *England* have been by all means uncessantly working the overthrow of our Discipline and Government. And it hath come to pass of late, that the Prelates of *England* having prevailed, and brought us to subjection in the point of government, and finding their long waited for opportunity, and a rare congruity of many spirits and powers, ready to cooperate for their ends, have made a strong assault upon all the external worship, and Doctrine of our Kirk. By which their doing, they did not aim to make us conforme to *England*, but to make *Scotland* first (whose weakness in resisting they had before experienced, in the Novations of government, and of some points of worship) and thereafter *England* conforme to *Rome*, even in these matters, wherein *England* had separated from *Rome*, ever since the time of Reformation. An evil therefore which hath issued, not so much from the personal disposition of the Prelates themselves, as from the innate quality and nature of their Office and Prelatical Hierarchy, which did bring forth the Pope in ancient times, and never ceaseth till it bringeth forth Popish Doctrine and Worship, where it is once rooted, and the principles thereof fomented and constantly followed. And from that antipathy and inconsistency of the two forms of Ecclesiastical Government, which they conceived, and not without cause, that one Island united also under one Head and Monarch, was not able to bear; the one being the same in all the parts and powers, which it was in the time of Popery, and now is in the *Roman Church*. The other being the form of Government, received, maintained, and practised by all the Reformed Kirks, wherein by their own testimonies and confessions, the Kirk of *Scotland* had amongst them no small Eminency. This also we represent to your Lordships most serious Consideration, That not only the firebrands may be removed, but that the fire may be provided against, that there be no more combustion after this.

#### The Charge of the Scotch Commissioners against the Lieutenant of Ireland.

**I**N our Declarations we have joyned with Canterbury the Lord Lieutenant of Ireland, whose malice hath set all his wits and power on work, to devise and do mischief against our Kirk and Countrey.

No other cause of his malice can we conceive, but first his pride and supercilious disdain of the Kirk of *Scotland*, which in his opinion declared by his speeches hath not in it almost any thing of a Kirk, although the Reformed Kirks, and many worthy Divines of *England* have given ample testimony to the Reformation of the Kirk of *Scotland*.

Secondly, our open opposition against the dangerous innovation of Religion intended, and very far promoted in all his Majesties dominions; of which he hath shewed himself in his own way no less zealous than Canterbury himself as may appear by his advancing of his Chaplain, D. Bramble, not only to the Bishoprick of *Derry*, but also to be Vicar-general of Ireland, a man prompted for exalting of *Canterburian Popery*, and *Arminianisme*, that thus himself might have the power of both swords, against all that should maintain the Reformation, by his bringing of D. Chappel, a man of the same spirit, to the University of *Dublin*, for poysoning the fountains, and corrupting the Seminaries of the Kirk.

And thirdly, when the Primate of Ireland did press a new ratification of the Articles of that Kirk, in Parliament for barring such Novations in Religion, he boldly menaced



naced him with the burning by the hand of the Hang-man, of that Confession, although confirmed in former Parliaments.

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When he found that the Reformation begun in Scotland did stand in his way, he left no means unassayed to rub disgrace upon us, and our Cause. The Pieces Printed at Dublin, Examen conjurationis Scoticanæ, The ungirding of the Scottish Armour: the Pamphlet bearing the counterfeit Name of Lisimachus Nicanor; all three so full of Calumnies, Slanders, and Scurrilities against our Countrey, and Reformation, that the Jesuits in their greatest spight, could not have said more, yet not only the Authors were countenanced and rewarded by him, but the Books must bear his Name, as the great Patron both of the Work and Workman.

When the National Oath and Covenant warranted by our General Assemblies, was approved by Parliament in the Articles subscribed in the Kings Name, by his Majesties High Commissioner, and by the Lords of Privy Council, and Commanded to be sworn by his Majesties Subjects of all Ranks; and particular and plenary Information was given unto the Lieutenant, by Men of such Quality as he ought to have believed, of the Loyalty of our hearts to the King, of the lawfulness of our proceedings, and innocency of our Covenant, and whole course, that he could have no excuse: yet his desperate Malice made him to bend his Craft and Cruelty, his fraud and forces against us. For first, he did craftily call up to Dublin some of our Countrey-men both of the Nobility and Gentry, living in Ireland, shewing them, That the King would conceive and account them as Conspirators with the Scots, in their rebellious courses, except some Remedy were provided; and for Remedy, suggesting his own wicked invention, to present unto him and his own wicked Counsel, a Petition, which he caused to be framed by the Bishop of Raphoe, and was seen and corrected by himself, wherein they Petitioned to have an Oath given them, containing a formal renuntiation of the Scottish Covenant, and a deep assurance never so much as to protest against any of his Majesties Commandments whatsoever.

No sooner was this Oath thus craftily contriv'd, but in all haste it is sent to such places of the Kingdom where our Countrey-men had residence; and Men, Women, and all other persons above the years of sixteen, constrained either presently to take the Oath, and thereby renounce their National Covenant as Seditious and Trayterous, or with Violence and Cruelty to be haled to the Jail, Fined above the value of their Estates, and to be kept close Prisoners, and, so far as we know, some are yet kept in Prison, both Men and Women of good Quality, for not renouncing that Oath which they had taken Forty years since, in Obedience to the King who then lived. A Cruelty ensuing, which may parallel the Persecutions of the most unchristian Times: for weak Women dragged to the Bench to take the Oath, dyed in the place, both Mother and Child; hundreds driven to hide themselves, till in the darkness of the Night they might escape by Sea into Scotland, whither Thousands of them did fly, being forced to leave Corn, Cattel, Houses, and all they possessed, to be prey to their persecuting Enemies, the Lieutenants Officers. And some indicted and declared guilty of High Treason, for no other guiltiness but for subscribing our National Oath, which was not only impiety and injustice in it self, and an utter undoing of his Majesties Subjects, but was a weakening of the Scots Plantation, to the prejudice of that Kingdom, and his Majesties service, and was a high Scandal against the Kings honour, and intolerable abuse to his Majesties trust and authority: his Majesties Commission, which was procured by the Lieutenant, bearing no other penalty than a certification of noting the Names of the refusers of the Oath.

But by this his restless rage and insatiable cruelty, against our Religion and Countrey, cannot be kept within the bounds of Ireland.

By this means a Parliament is called, And although by the six Subsidies granted in Parliament not long before, and by the base means which himself and his Officers did use, as is contained in a late Remonstrance, that Land was extreamly impoverished, yet by his Speeches full of Oaths and asseverations, That we were Traitors and Rebels, casting off all Monarchical Government, &c. he extorted from them four new Subsidies, and indicted a causa before we were heard, procured that a War was undertaken, and Forces should be Levied against us, as a rebellious Nation, which was also intended to be an Example and President to the Parliament of England for granting Subsidies, and sending a joint Army for our utter ruine.

According to his appointment in Parliament, the Army was gathered, and brought down to the Coast, threatening a daily Invasion of our Countrey, intending to make us a conquered Province, and to destroy our Religion, Liberties, and Laws, and thereby lay-  
ing



1640.

ing upon us a necessity of vast charges, to keep Forces on foot on the West-Coast to wait upon his coming.

And as the War was denounced, and Forces levied before we were heard. So before the denouncing of the War, our Ships, and Goods on the Irish Coast were taken, and the owners cast in Prison, and some of them in Irons. Frigats were sent forth to scour our Coasts, which did take some, and burn others of our Barques.

Having thus incited the Kingdom of Ireland, and put his Forces in order there against us, with all hast he cometh to England.

In his parting, at the giving up of the Sword, he openly avowed our utter ruine and desolation, in these or the like words, If I return to that honourable Sword, I shall leave of the Scots neither root nor branch.

How soon he cometh to Court, as before he had done very evil offices against our Commissioners, clearing our proceedings before the point: So now he useth all means to stir up the King and Parliament against us, and to move them to a present War, according to the precedent, and example of his own making in the Parliament of Ireland. And finding that his hopes failed him, and his designs succeeded not that way, in his nimbleness he taketh another course, that the Parliament of England may be broken up, and despising their Wisdom and Authority, not only with great gladness accepteth, but useth all means that the conduct of the Army in the expedition against Scotland, may be put upon him; which accordingly he obtaineth as general Captain, with power to invade, kill, slay, and save at his discretion, and to make any one, or more Deputies in his stead, to do, and execute all the Power and Authorities committed to him.

According to the largeness of his Commission, and Letters Patents of his devising, so were his deportments afterwards; for when the Scots, according to their declarations sent before them, were coming in a peaceable way, far from any intention to invade any of his Majesties Subjects, and still to supplicate his Majesty for a settled peace, he gave order to his Officers to Fight with them on the way, that the two Nations once entred in blood, what soever should be the success, he might escape trial and censure, and his bloody designs might be put in execution against his Majesties Subjects of both Kingdoms.

When the Kings Majesty was again enclined to hearken to our petitions, and to compose our differences in a peaceable way, and the Peers of England convened at York, had, as before, in their great wisdom and faithfulness given unto his Majesties Counsels of Peace, yet this firebrand still smoketh; and in that honorable Assembly, taketh upon him to breath out threatenings against us as Traytors, and enemies to Monarchical Government; that we be sent home again in our blood, and he will whip us out of England.

And as these were his Speeches in the time of the Treaty appointed by his Majesty at Rippon, that if it had been possible, it might have been broken up. So when a Cessation of Arms was happily agreed upon there, yet he ceaseth not, but still his practices were for War; His under officers can tell who it was that gave them Commission to draw near in Arms beyond the Teese, in the time of the Treaty at Rippon.

The Governour of Barwick, and Carlile can shew, from whom they had their Warrants for their Acts of hostility after the Cessation was concluded. It may be tryed how it cometh to pass, that the Ports of Ireland are yet closed, our Country-men for the Oath still kept in Prison, traffick interrupted, and no other face of Affairs, than if no Cessation had been agreed upon.

We therefore desire that your Lordships will represent to the Parliament, that this great incendiary upon these and the like offences, not against particular persons, but against Kingdoms, and Nations, may be put to a tryal, and from their known and renowned justice, may have his deserved punishment.

16. December, 1640.

The Consideration of these Charges being coincident with the Impeachment of these two great Men will easily conduct the Reader to an Understanding what a close Confederacy there was between the Presbyterian Faction of England and Scotland, and of what Use their Army lieing in the North was to the transactions of the South, and that there was something further to be done, after these two Pillars of State and Church were removed.

This



This day the Scots Commissioners Demands were read in the Houle of Lords which were as follows.

1640.

First, That his Majestie will be graciously pleased to command that the last Acts of Parliament may be published in his Highness Name, as our Sovereign Lord, with the Estates of Parliament convened by his Majesties Authority.

Artic. 1.

To which his Majestie hath condescended.

Secondly, That the Castle of Edinburgh, and other Strengths of the Kingdome of Scotland, may according to the first Foundation be furnished and used for our Defence and Security.

Artic. 2.

To this also his Majesty hath condescended.

Thirdly, That our Countrymen in his Majesties Dominions of England and Ireland may be freed from the Censure for subscribing the Covenant, and be no more pressed with Oaths and Subscriptions unwarranted by our Law, and contrary to the National Oath and Covenant approved by his Majesty.

Artic. 3.

Condescended to thus far, That such as are of the Scottish Nation dwelling as Inhabitants in England or Ireland shall be subject to the Lawes of that Kingdom wherein they live, and so the like to be allowed to our Nation dwelling in Scotland reciprocally, but this not to Extend to such as only Trade as Merchants and are not Inhabitants.

Fourthly, That the Common Incendiaries who have been the authors of this Combustion in his Majesties Dominions, may receive their just Censure.

Artic. 4.

To which his Majesty hath yielded, That such of their Nation shall be left to the Trial of their present Parliament in Scotland; those of our Nation to be left to the proceedings of the Parliament here; and against Two Peers of our Nation they have presented Papers of Accusation to the Parliament; to wit, against the L. Archbishop of Canterbury, and L. Lieutenant of Ireland, which Papers were openly read in the House.

Fifthly, That our Ships and Goods, with all the Damages thereof, may be restored.

Artic. 5.

Nothing done herein.

Sixthly, That the Wrongs, Losses and Charges, which all this time we have sustained, may be repaid.

Artic. 6.

Seventhly, That the Declaration made against us as Traytors may be recalled.

Artic. 7.

Eighthly, And in the End, by Advice and Consent of the Estates of England convened in Parliament, his Majestie may be pleased to remove the Garrison from the Borders, and any impediment that may stop the Free Trade, and with their Advice to condescend to all Particulars that may Establish a Stable and well grounded Peace, for enjoying of our Religion and Liberty against all fears of Molestation and Undoing from Year to Year, or as our Adversaries shall take advantage.

Artic. 8.



1640.

Friday,  
Decemb. 18.  
Committee  
for Breach of  
Priviledges.

Mr. St. John,  
Mr. Cage,  
Sir Philip Stapleton,  
Mr. Palmer,  
Sir Arthur Ingram,  
Sir Jos. Strangeways,  
Mr. Maynard,  
Sir Tho. Barrington,  
Sir Edw. Hungerford,  
Sir Christopher Wray,

Sir Will. Litton,  
Mr. Nat. Fiennes,  
Sir Oliver Luke,  
Mr. Rigby,  
Mr. Mallory,  
Sir Edw. Ascough,  
Sir Ed. Mountford,  
Sir Anth. Irby,  
Sir Gilbert Gerard,  
Mr. Grimston,

Mr. Rolles,  
Mr. Kirton,  
Mr. Glyn,  
Sir Fra. Seymour,  
Sir William Brereton,  
Mr. White,  
Mr. Perd,  
Mr. Ashburnham,  
Mr. Kirby,

were appointed a Committee to consider of the Breach of Priviledges both the last Parliament, and that of 3 Car. Especially the proceedings against Mr. Hollis, Sir Peter Hayman, Mr. Strode, Mr. Valentine, Mr. Selden, Mr. Walter Long, Sir John Elliot, Sir Miles Hobart, Mr. Crew, Mr. Bellasis, Sir John Hotham, Mr. Hambden, Mr. Pym, and Sir Walter Erle, and to think of some Reparations, and how to prevent the like for the future.

The House then fell into Debate about the Charge of the Archbishop of Canterbury, and Mr. Grimston spoke concerning that Matter to this Effect:

Mr. Speaker,

**T**Here hath been presented to the House a most faithful and exact Report of the conference we had with the Lords yesterday, together with the opinion of the Committees that we imployed in the service, that they conceived it fit, that the Archbishop of Canterbury should be sequestred, and I must second the motion, And with the favour of this House, I shall be bold to offer my reasons, why I conceive it more necessary we should proceed a little further than the desire of a bare sequestration only.

Mr. Speaker, long Introductions are not suitable to weighty businesses: we are now fallen upon the great Man, the Archbishop of Canterbury, look upon him as he is in highness, and he is the Sty of all pestilential filth that hath infected the State and Government of this Common-wealth: Look upon him in his dependances, and he is the man, the only man that hath raised and advanced all those, that together with himself have been the Authors and Causers of all our ruines, miseries, and calamities we now groan under. Who is it but he only that hath brought the Earl of Straford to all his great places and employments; a fit spirit and instrument to act and execute all his wicked and bloody Designs in these Kingdoms?

Who is it but he only that brought in Secretary Windibank into this place of Service of Trust, the very Broker and Pander to the Whore of Babylon?

Who is it Mr. Speaker but he only that hath advanced all our Popish Bishops. I shall name but some of them, Bishop Manering, the Bishop of Bath and Wells, the Bishop of Oxford, and Bishop Wren, the least of all these birds, but one of the most unclean ones. These are the Men that should have fed Christs Flock, but they are the Wolves that have devoured them; the Sheep should have fed upon the Mountains, but the Mountains have eaten up the Sheep. It was the happiness of our Church, when the Zeal of Gods House eat up the Bishops, glorious and brave Martyrs, that went to the Stake in defence of the Protestant Religion: but the Zeal of the Bishops have been only to persecute and eat up the Church.

Who is it Mr. Speaker, but this great Archbishop of Canterbury, that hath sitten at the helm, to steer and to manage all the projects that have been set on foot in this Kingdom this ten years last past: and rather than he would stand ont, he hath most unworthily trucked and chaffered in the meanest of them; as for instance, that of Tobacco, wherein thousands of poor people have been stripped and turned out of their Trades, for which they have served as Apprentices: we all know he was the Compounder and Contracter with them for the Licences, putting them to pay Fines, and a Fee-Farme rent to use their Trade; Certainly, Mr. Speaker, he might have spent his time much better

Mr. Grimston's  
Speech against  
the Arch-  
bishop of Can-  
terbury, De-  
cemb. 18. 1640.



better and more for his Grace in the Pulpit, than thus sherking and raking in the Tobacco-shops. Mr. Speaker, we all know what he hath been charged withall here in this House, crimes of a dangerous consequence, and of a transcendent nature, no less than the subversion of the Government of this Kingdome, and the alteration of the Protestant Religion: and this is not upon bare information only, but much of it is come before us already upon clear and manifest proofs, and there is scarce any grievance or complaint come before us in this Place, wherein we do not find him intermentioned, and as it were twisted into it, like a busie angry Wasp, his string is in the tail of every thing, we have likewise this day heard the report of the conference yesterday, and in it the accusation which the Scottish Nation hath charged him withall, and we do all know he is guilty of the same, if not more here in this Kingdome.

Mr. Speaker, he hath been the great and common enemy of all goodness, and good Men, and it is not safe that such a Viper should be near his Majesties person, to distil his poyson into his sacred ears, nor is it safe for the Common-wealth, that he sit in so eminent a place of government being thus accused; we know what we did in the Earl of Straffords case: this man is the corrupt fountain that hath infected all the streams, and till the Fountain be purged, we can never expect or hope to have clear channels, I shall be therefore bold to offer my opinion, and if I err, it is the error of my judgement, and not my want of zeal and affection to the publick good. I conceive it is most necessary and fit, that we should now take up a resolution to do somewhat, to strike while the Iron is hot, and to go up to the Lords in the names of the Commons of this House, and in the names of the Commons of England, and to accuse him of High Treason, and to desire their Lordships, his person may be sequestred, and that in convenient time we may bring up his Charge.

Upon which Mr. Hollis was appointed to go up with this Message to the Lords, To Accuse William Laud Archbishop of Canterbury of High Treason in the Name of this House, and of all the Commons of England, and to desire he may be forthwith Sequestred from Parliament, and be Committed, and that within some convenient time this House will resort to their Lordships with particular Accusations and Articles against him.

Mr. Hollis Reports, That the Lords had accordingly Sequestred the Archbishop, and committed him to Safe Custody to the Gentleman Usher of their House.

This Day a Petition of the Inhabitants of St. Clements Danes was read, and referred to the Committee for Preaching Ministers, which was a sub-Committee to that of Religion, and consisted of these Gentlemen.

|                        |                      |                      |
|------------------------|----------------------|----------------------|
| Alderman Pennington,   | Sir Tho. Hutchinson, | Mr. Hambden,         |
| Sir Arthur Haslerig,   | Mr. Stapeley,        | Sir Henry Vane,      |
| Sir Tho. Cheek,        | Sir Walter Devoreux, | Sir Gilb. Gerard,    |
| Mr. Ashton,            | Mr. Rolls,           | Sir John Corbet,     |
| Mr. Corbet,            | Sir John Franklin,   | Sir Henry Anderson,  |
| Mr. Walton,            | Mr. Spurstow,        | Mr. Oliver Cromwell, |
| Lord Ruthyn,           | Mr. Glyn,            | Sir John Coke,       |
| Sir Gilbert Pickering, | Mr. Noble,           | Sir Oliver Luke,     |
| Mr. Prinn,             | Mr. Bamfield,        | Mr. Oldfield,        |
| Mr. Stevens,           | Mr. Wallop,          | Mr. Wallop,          |
| Mr. Edw. Ash,          | Mr. John Ash,        | Mr. Zouch Tate,      |
| Mr. Lury,              | Sir Miles Fleetwood, | Sir William Massam,  |
| Sir Tho. Pellham,      | Mr. Arthur Goodwin,  | Mr. Rouse,           |
| Mr. Heveningham,       |                      |                      |

who are to consider how there may be Preaching Ministers set up where there are none, and how to maintain them.

Though there was nothing more Popular than this Zeal for Religion, yet was this only an Introduction to the taking away the Lands and Revenues of Bishops, Cathedral and Collegiate Churches, under the fair pre-

F f f f f tence

Mr. Hollis  
with a Message  
against the  
Arch-Bishop  
of Canterbury.

Arch-Bishop  
committed to  
the Gentle-  
man Usher of  
the Lords  
House.

Saturday, De-  
cember 19.  
Petition.

The Commit-  
tee for Preach-  
ing Ministers.



1640.



A Message to  
the Lords a-  
bout Bishop  
Wren.

The Bishop  
of Ely's Re-  
cognizance  
before the  
Lords.

Pool and Ha-  
wards Cause  
for the Riot  
heard, and the  
Lords Judg-  
ment in it.

tence of applying them to the maintenance of Preaching Ministers; but How much they intended this, their following Actions will manifest: and how *Oliver Cromwell* one of this Committee, afterwards the great Traytor and Tyrant, who was stiled *Lord Protector*, was so far from Establishing any Maintenance for a Preaching Ministry, by appropriating any part of these Revenues to that Use, that it was very near being put in Execution to take away the Residue of the Established Maintenance of the Clergy by Tithes, and to leave them to the Independent way of Maintenance by the Voluntary Contribution of their Congregations: but this is alwayes the Method of Ambitious and Designing men, to tickle the People with Golden Promises and Glorious Intentions, till by their assistance, they come to gain an uncontrollable Power, and then Performance is not to be pressed or disputed with these liberal Promisers.

Mr. *Hambden* was sent to the Lords to acquaint them, *That there are many Informations against Matthew Wren, Bishop of Ely, for setting up Idolatry and Superstition, and to desire that he may give good security to abide the Judgment of Parliament, they being informed he designs to Escape,* To which he brings Answer,

*That the Lords had Ordered the said Bishop to put in 10000 l. Bail, and in the mean time to Enter into Recognizance of 10000 l. to appear on Wednesday, and put in Bail as aforesaid.*

The Bishop of *Ely* was by the Lords ordered accordingly to enter into this Recognizance.

*Matthew Wren Ep'us Eliens' recognovit se debere Domino Regi decem mille libras, levare de terris et tenementis bonis et Catallis suis, &c. ad usum Domini Regis, &c.*

The Condition was, *That he should appear from day to day until Wednesday next, against which day he is to provide sufficient Bail for Ten thousand pound, such as this House shall approve, to be bound for his forthcoming, and his abiding the Judgment of Parliament.*

*Jonathan Pool* and *Robert Haward* were this Day Heard at the Barr of the Lords, about the Riot committed on *St. Simon and Judes* Day at *Halsted* in *Essex*, and the Fact being notwithstanding their Denial fully proved by the Oath of several Witnesses upon them; It was Ordered, *That they should make Publick Submission for their Foul and Contemptuous Fact in the Riot by them Committed at Halsted, in Tearing the Surplice, and abusing the Service-Book, &c.* And this Submission to be done before the Congregation in the same Parish Church in the presence of the two next Justices of the Peace: and that the aforesaid Delinquents shall ask the Curate and Clerk forgiveness for the wrong and injury done unto them; and that it be declared that this House doth deeply condemn the Fact to be an offence of a very high Nature, and that if any person whosoever shall hereafter dare to presume to commit the like offence, he shall be severely and exemplarily punished; and the said *Jonathan Pool* and *Robert Haward* shall forthwith be released from their imprisonment in the Fleet, and having made their submission as aforesaid, they are to be discharged of the Indictment preferred against them for this offence.

So early did this persecuting and violent Spirit of the Schismatics begin to shew it self; and so gently did they fall under the Justice even of this High Court, among whom they had many favourers, who notwithstanding the menaced severity to those who should hereafter presume to

to



to commit the like offence, yet could see them carry the Surplice upon the top of their Pikes, and commit such Sacrilegious Insolencies and affronts even against the Honour of God and Religion, as blushing Heathens would have punished with the greatest Rigor, without so much as reproving it, but rather animating and encouraging them to such Barbarous Outrages and Contempts.

This Day Mr. *Waferer*, who was accused for words spoken against the Lords that Petitioned at *Tork*, was discharged from his present attendance, upon giving good Security to the Serjeant at Arms for his appearance upon the 24. of *Jan.* next.

A Message was brought to the House of Commons, *That the Lord Keeper desires to be heard speak for himself before any Vote pass against him*; which after some Debate was at last consented to, and he was admitted in this manner:

There was a Chair set for him to make Use of if he pleased, and a Stool to lay the Purse upon, a little on the side of the Barr on the left hand as you come in: He himself brought in the Purse, and laid it in the Chair, but would not sit down himself, nor put on his Hatt, though he was moved to it by *Mr. Speaker*, but spake all the While Bare-headed and standing, the Serjeant at Arms attending on the House standing by him with the Mace on his shoulder. His Speech follows.

Mr. *Speaker*,

**I** Do first present my most humble thanks to this Honourable Assembly, for this favour vouchsafed me, in granting me admittance to their presence, and do humbly beseech them to believe it is no desire to preserve my self or my fortune, but to deserve the good opinions of those that have drawn me hither.

I do profess in the presence of him that knoweth all hearts, that I had rather go from door to door, and crave *Da obulum Belizario*, &c. with the good opinion of this Assembly, than live and enjoy all the honours and fortunes I am capable of.

I do not come hither with an intention to justify my words, my actions, or my opinions; but to make a plain and clear narration for my self, and then humbly to submit to the Wisdom and Justice of this House my self, and all that concerns me.

I do well understand (*Mr. Speaker*) with what disadvantage any man can speak in his own cause, and if I could have told how to have transmitted my thoughts and actions by a clearer representation of another (I do so much desire my own judgment in working, and my ways in expressing) that I should have been a most humble suiter, another might have done it. But this House will not take words, but with clear and ingenuous dealing, and therefore I shall beseech them to think I come not hither with a set or studied Speech, I come to speak my heart, and to speak it clearly and plainly, and then leave it to your clemency and Justice, and I hope if any thing shall slip from me, to work contrary to my meaning, or intention, disorderly or ill placed, you will be pleased to make a favourable construction, and leave me the liberty of explanation, if there shall be any, but I hope there shall be no cause for it.

I hope for my affection in Religion no man doubteth me, what my education, what and under whom for many years, is well known; I lived near 30 years in the Society of *Graves-Inn*: and if one that was a reverend Preacher in my time (*Doctor Sibbs*) were now alive, he were able to give testimony to this House, that when a party ill affected in Religion sought to weary him, and tyre him out, he had his chiefest encouragement from me.

I have now (*Mr. Speaker*) been 15 years of the Kings Council, from the first hour to this minute, no man is able to say that ever I was Author, Advisor, or Consensor to any project.

It pleased the King (my gracious Master) after I had served him divers years to preferre me to two places; to be Chief Justice of the Common Pleas, and then

1640.

Mr. *waferer*  
discharged  
upon Bail.

Monday Decem-  
ber, 21. Lord  
Keeper *Finch*  
in the House  
of Commons.

The Lord  
Keeper *Finch*  
his Speech in  
the Commons  
House. Decem-  
ber 21. 1640.



1640.

Keeper of his Great Seal, I say it in the presence of God, I was so far from the thought of the one, and from the ambition of the other, that if my Master his grace and goodness had not been, I had never enjoyed those Honours.

I cannot tell (*Mr. Speaker*) nor I do not know what particulars there are that may draw me into your disfavour or ill opinion, and therefore I shall come very weakly armed, yet to those that either in my own knowledge, or by such knowledge as is given me, and not from any in this House, I shall speak somewhat, that I hope being truth, and accompanied with clearness and ingenuity, will at last procure some allay of that ill opinion which may perhaps be conceived of me.

*Mr. Speaker*, I had once the Honour to sit in the place that you do: from the first time I came thither, to the unfortunate time, I do appeal to all that were here then, if I served you not with candor. Ill office I never did to any of the House, good offices I have witnesses enough I did many, I was so happy that upon an occasion which once happened, I received an expression and testimony of the good affection of this House towards me.

For the last unhappy day I had a great share in the unhappiness and sorrow of it. I hope there are enough do remember, no man within the Walls of this House did express more symptoms of sorrow, grief, and distraction than I did.

After an adjournment for two or three days, it pleased his Majesty to send for me, to let me know that he could not so resolve of things as he desired, and therefore was desirous that there might be an adjournment for some few days more. I protest I did not then discern in his Majesty, and I believe it was not in his thoughts to think of the dissolving of this Assembly, but was pleased in the first place to give me a command to deliver his pleasure to the House for an adjournment for some few days, till the *Monday* following, as I remember, and commanded me withal to deliver his pleasure, that there should be no further Speeches, but forthwith upon the delivery of the Message come and wait upon him: he likewise commanded me if questions were offered to be put, upon my Allegiance I should not dare to do it, how much I did then in all humbleness reason with his Majesty, is not for me here to speak; onely thus much let me say, I was no Author of any counsel in it, I was onely a person in receiving Commission. I speak not this as any thing I now produce or do invent, or take up for my own excuse, but that Which is known to divers, and some Honourable Persons in this House to be most true. All that I will say for that, is humbly to beseech you all to consider, That if it had been any mans cause as it was mine, between the displeasure of a Gracious King, and the ill opinion of an Honourable Assembly. I beseech you lay all together, lay my first actions and behaviour with the last, I shall submit to your Honourable and favourable constructions.

For the Shipping business, my opinion of that cause hath lain heavy upon me, I shall clearly and truly present unto you what every thing is, with this protestation, that if in reckoning up my own opinion what I was of, or what I delivered, anything of it be displeasing, or contrary to the Opinion of this House, that I am far from justifying of it, but submit that and all other my actions to your Wises and Goodness.

*Mr. Speaker*, the first Writs that were sent out about Shipping business, I had no more knowledge of it, and was as ignorant as any one Member of this House, or any man in the Kingdom. I was never the Author nor Adviser of it, and will boldly say from the first to this hour, I did never advise nor counsel the setting forth of any Ship-Writs in my life.

*Master Speaker*, it is true that I was made Chief Justice of the *Common Pleas* some four dayes before the Ship-Writs went out to the Ports and Maritime Places, as I do remember the 20. of *October*. 1634. they do bear Teste, and I was sworn Justice the 16. of *October*, so as they went out in that time, but without my knowledge or privity, the God of Heaven knowes this to be true.

*Master Speaker*, afterwards his Majesty was pleased to command my Lord Chief Justice of the *Kings-Bench*, that then was, *Sir Thomas Richardson*, and Chief Baron of the *Exchequer* that now is, and my self then Chief Justice of the *Common-Pleas*, to take into consideration the Presidents then brought unto us, which we did, and after returned to his Majesty what we had found out of those Presidents.



It is true, that afterwards his Majesty did take into consideration, That if the whole Kingdom were concerned, that it was not reason to lay the whole burthen upon the Cinque-Ports and Maritime Towns.

Thereupon, upon what ground his Majesty took that into his consideration, I do confess I do know nothing of it.

His Majesty did command my Lord Chief Justice that now is, my Lord Chief Baron, and my self, to return our Opinions; Whether, when the whole Kingdom is in danger, and the Kingdom in general is concerned, it be not according to Law and Reason, That the whole Kingdom, and his Majesty, and all interested therein, should joyn in defending and preserving thereof.

This was in time, about 1634.

In *Michaelmas* Term following, his Majesty Commanded me to go to all the Judges, and require their Opinions in particular.

He Commanded me to do it to every one, and to charge them upon their Duty and Allegiance, to keep it secret.

*Master Speaker*, it was never intended by his Majesty (so professed by him) at that time, and so declared to all the Judges, That it was not required by him, to be such a binding Opinion to the Subject, as to hinder him from calling it in question, nor to be binding to themselves, but that upon better Reason and Advice they may alter it; but desired their Opinions, for his own private Reason.

I know very well, that extrajudicial Opinions of Judges ought not to be binding.

But I did think, and speak my Heart and Conscience freely; my self, and the rest of the Judges being sworn, and by our Oaths tyed to counsel the King when he should require advice of us, that we were bound by our Oaths and Duties to return our Opinions.

I did obey his Majesties Command, and do here before the God of Heaven avow it.

I did never use the least promise of Preferment or Reward to any, nor did use the least menacy; I did leave it freely to their own Consciences and Liberty; for I was left the liberty of my own by his Majesty, and had reason to leave them the liberty of their own Consciences.

And I beseech you be pleased to have some belief, that I would not say this, but that I know the God of Heaven will make it appear; and I beseech you that extravagant speeches may not move against that which is a positive and clear truth.

*Mr. Speaker*, in the discourse of this (as is between Judges, some small discourses sometimes) yet never any Cause wherein any Judges conferred, that were so little conference as between me and them.

*Mr. Speaker*, against a Negative, I can say nothing, but I shall affirm nothing unto you, but by the grace of God, as I affirm it to be true, so I make no doubt of making it appear to be so.

This Opinion was subscribed without Solicitation, there was not any man of us did make any doubt of subscribing our Opinion, but two, *Master Justice Hutton*, and *Master Justice Crook*.

*Master Justice Crook* made not a scruple of the thing, but of the introduction; for it was thus:

That whereas the Ports and the Maritime Towns were concerned; there according to the Presidents in former times, the Charge lay on them.

So when the Kingdom was in danger, of which his Majesty was the sole Judge; Whether it was not agreeable to Law and Reason, the whole Kingdom to bear the Charge?

I left this Case with Judge *Crook*.

The next Term I spake with him, he could give me no resolution, because he had not seen the Writs in former times, but did give his opinion, that when the whole Kindome was in danger, the charge of the defence ought to be born by all.

So of that opinion of his, there was no need of a Solicitation.

I speak no more here, than I did openly in my argument in the Chequer-Chamber.

This is the naked truth: for *Mr. Justice Hutton*, he did never subscribe at all.



1640.

I will only say this, that I was so far from pressing him to give his opinion, because he did ask time to consider of it, that I will boldly say, and make it good, that when his Majesty would have had him sometimes sent for, to give his opinion, I beseeched his Majesty to leave him to himself and his conscience; and that was the ill office I did.

The Judges did subscribe in *November* or *December*, 1635.

I had no conference (nor truly I think) by accident any discourse with any of the Judges touching their opinions; for till *February* 1636, there was no speech of it, for when they had delivered their opinions, I did return according to my duty to my Master the King, and delivered them to him: in whose custody they be in.

In *February* 1636, upon a command that came from his Majesty, by one of the then Secretaries of State, the Judges all assembled in *Graves-Inn*, we did then fall into a debate of the case then sent unto us, and we did then return our opinion unto his Majesty; there was then much discourse and great debate about it.

Mine opinion and conscience at that time was agreeable to that opinion I then delivered.

I did use the best arguments I could, for the maintainance of my opinion; and that was all I did.

It is true that then at that time, Mr. Justice *Hutton*, and Mr. Justice *Crook* did not differ in the main point, which was this;

When the Kingdom was in danger, the charge ought to be born by the whole Kingdom.

But in this point, whether the King was the sole Judge of the danger; they differed.

So as there was between the first subscription, and this debate, and consultation, some 15 months difference.

It is true, that all of them did then subscribe, both Justice *Hutton*, and Justice *Crook*, which was returned to his Majesty, and after published by my Lord Keeper (my predecessor) in the Star-chamber.

For the manner of publishing it I will say nothing, but leave it to those, whose memories will call to mind what was then done.

The reason of the subscription of Justice *Hutton*, and Justice *Crook*, (though they differed in opinion) grew from this that was told them, from the rest of the Judges.

That where the greater number did agree in their vote, the rest were involved and included.

And now I have faithfully delivered, what I did in that business, till I came (which was afterwards) to my argument in the Exchequer Chamber, for the question was, *A scire facias* issued out of the Exchequer, in that case of Mr. *Hampdens*; of which I can say nothing, for it was there begun, and afterwards rejoined, to have advice of all the Judges.

*Mr. Speaker*, among the rest (according to my duty) I argued the case.

I shall not trouble you, to tell you what my argument was, I presume there are Copies enough of it; only I will tell you there are four things, very briefly, what I then declared.

First, concerning the matter of danger, and necessity of the whole Kingdom.

I profess that there was never a Judge in the Kingdom did deliver an opinion, but that it must be in a case of apparent danger.

When we came to an argument of the case, it was not upon a matter or issue, but it was upon a demurrer.

Whether the danger was sufficiently admitted in pleading, and therefore was not the thing that was in dispute, that was the first degree and step that led unto it.

I did deliver my self as free and as clear as any man did, that the King ought to Govern by the positive Laws of the Kingdom, that he could not alter nor change, nor innovate in matters of Law, but by common consent in Parliament.

I did further deliver, that if this were used to make a further revenue or benefit to the King, or in any other way but in case of necessity, and for the preservation of the Kingdom, The judgment did warrant no such thing:

My opinion in this business, I did in my conclusion of my argument submit to the judgment of this House.



I never delivered my opinion, that money ought to be raised, but Ships provided for the defence of this Kingdom, and in that the Writ was performed.

And that the charge ought not to be in any case, but where the whole Kingdom was in danger.

And Mr. Justice *Hutton*, and Mr. Justice *Crooke*, were of the same opinion with me.

I do humbly submit, having related unto you my whole carriage in this business, humbly submitting my self to your grace and favourable censures, beseeching you not to think that I delivered these things with the least intention to subvert or subject the common Law of the Kingdom, or to bring in, or to introduce any new way of Government, it hath been far from my thoughts, as any thing under the Heavens.

*Mr. Speaker*, I have heard too that there hath been some ill opinion conceived of me about Forrest business, which was a thing far out of the way of my study, as any thing I know towards the Law.

But it pleased his Majesty, in the sickness of Mr. *Noy*, to give some short warning to prepare my self for that employment.

When I came there, I did both the King and Common-wealth acceptable service, for I did and dare be bold to say, with extream danger to my self and fortune, (some do understand my meaning herein) run through that business, and left the Forrest as much as was there.

A thing in my judgment considerable for the advantage of the Common-wealth, as could be undertaken.

When I went down about that employment, I satisfied my self about the matter of perambulation.

There were great difficulties of opinions, what perambulation was.

I did arm my self as well as I could, before I did any thing in it.

I did acquaint those that were then Judges, in the presence of the noble Lords, with such objections as I thought it my duty to offer unto them.

If they thought they were not objections of such weight, as were fit to stir them, I would not do the King that disservice.

They thought the objections had such answers as might well induce the like upon a conference with the whole Country, admitting me to come and confer with them, the Country did unanimously subscribe.

It fell out afterwards, that the King commanded me, and all this before I was Chief Justice, to go into *Essex*, and did then tell me he had been enformed, that the bounds of the Forrest were narrower, than in truth they ought to be; and I did according to his command.

I will here profess that which is known to many, I had no thought or intention of enlarging the bounds of the Forrest, further than *H.* and that part about it, for which there was a perambulation about 26 *Edward 4.*

I desired the Country to confer with me about it, if they were pleased to do it; and then according to my duty, I did produce those Records which I thought fit for his Majesties service, leaving them to discharge themselves as by Law and Justice they might do.

I did never in the least kind, go about to overthrow the charter of the Forest.

And did publish and maintain *Charta de Foresta*, as a sacred thing, and no man to violate it, and ought to be preserved for the King and Common-wealth.

I do in this humbly submit, and what I have done, to the goodness and Justice of this House.

After he was retired, it was moved, that this Admission of the Lord Keeper might not for the future be drawn into President, and in answer to what he had said, Mr. *Rigby* made this following Speech.

*Mr. Speaker*,

**T**hough my Judgment prompts me to sit still and be silent, yet the duty I owe to my King, my Country and my Conscience, moves me to stand up and speak.

*Mr. Speaker*, had not this Syren so sweet a tongue, surely he could never have effected so much mischief to this Kingdom: you know Sir, *optimorum putrefactio pessima*, the best things putrefied become the worst: and as it is in the natural, so in the body

1640.

Mr. Rigby's  
Speech in answer to the  
Lord Keepers  
Dec. 21. 1640.



1640.

St. James, not  
our Saviour,  
saith it.

body politick; and what's to be done then Mr. Speaker, we all know esse recidendum est, the sword, Justice must strike, ne pars sincera trahatur.

Mr. Speaker, it is not the voice, non vox sed votum, not the tongue, but the heart and actions that are to be suspected: for doth not our Saviour say it, Shew me thy faith by thy works, O Man? Now, Mr. Speaker, hath not this Kingdom seen, (seen say I?) may felt and smarted under the cruelty of this mans Justice? so malicious as to record it in every Court of Westminster; as if he had not been contented with the inflaming of us all, unless he entailed it to all posterity. Why shall I beleive words now, cum factum vileam? Shall we be so weak men, as when we have been injured and abused, will be gained again with fair words and complements? Or, like little Children, when we have been whipt and beaten, be pleased again with sweet meats? Oh no: there be some birds in the Summer of Parliament will sing sweetly, who in the Winter of Persecution will for their prey ravenously fly at all, upon our Goods, nay seize upon our Persons; and hath it not been with this man so, with some in this Assembly?

Mr. Speaker, it hath been objected unto us, that in Judgement you should think of mercy, and Be ye merciful as your heavenly Father is merciful; now God Almighty grant that we may be so, and that our Hearts and Judgments may be truly rectified to know truly what is mercy, I say to know what is mercy; for there is the point Mr. Speaker: I have heard of foolish pity, foolish pity: do we not all know the effects of it? and I have met with this Epithete to mercy, Crudelis misericordia; and in some kind I think there may be cruel mercy: I am sure that the spirit of God said, be not pitiful in Judgement, nay it saith, be not pitiful of the poor in Judgement; if not of the poor, then a Latori, not of the rich; there's the Emphasis. We see by the sett and solemn appointment of our Courts of Justice, what provision the wisdom of our Ancestors hath made for the Preservation, Honour, and Esteem of Justice, witness our frequent Termes, Session, and Assises, and in what Pompe and State the Judges, in their Circuits, by the Sheriffs, Knights, and Justices and all the Countrey, are attended oft-times for the hanging of a poor Thief for the stealing of a Hog or a Sheep, nay in some Cases for the stealing of a penny, and Justice too, in terrorem, and now shall not some of them be hanged that have rob'd us of all our propriety, and sheered at once all our Sheep and all we have away, and would have made us all indeed poor Bellizarasses to have begged for half-pennies, when they would not have left us one penny that we could have called our own?

Let us therefore now, Mr. Speaker, not be so pitiful as that we become remiss; not so pitiful in Judgement, as to have no Judgement; but set the deplorable estate of Great Britain now before our eyes, and consider how our most gracious Sovereign hath been abused, and both his Majesty and all his Subjects injured by these wicked Instruments; for which my humble motion is, that with these particulars we become not so merciful, as to the generality (the whole Kingdome) we grow mercilefs.

Fiat Justitia.

Whereupon it was

Resolved upon the Question.

That John Lord Finch Baron of Fordwich, Lord Keeper of the Great Seal of England shall be accused in this House by the name of all the Commons of England, of High Treason and other great Misdemeanors.

Resolved,

That a Message be sent by the Lord Falkland to Accuse John Lord Finch Baron of Fordwich, Lord Keeper of the Great Seal of England, in the name of this House and all the Commons of England of High-Treason and other great Crimes and Misdemeanors, and to desire that he may be forthwith sequestred from Parliament, and be Committed; and that in some convenient time this House will resort to their Lordships with particular Accusations and Articles against him.

But the Lord Keeper considering wisely with what impetuosity and violence every thing was managed, and that the Storm was not for the present

Lord Keeper  
Finch to be  
accused of  
High-Treason,  
&c.

The Lord  
Keeper flies.



present to be rid out, flipt his Anchors, and by timely Flying escaped the malice of his Potent adversaries; and from the Shore of *Holland* saw the dreadful Shipwracks of others, whose Courage or Innocence not permitting them to flye as he did, exposed them to that inevitable Ruin which by his timely withdrawing he in a great measure escaped. From the *Hague* he writ this ensuing Letter to the Lord Chamberlain.

1640.

My most wellbelovèd Lord,

**T**He Interest your Lordship hath ever had in the best of my Fortunes, and Affections, gives me the Priviledges of troubling your Lordship with these few lines, from one that hath nothing left to serve you with all but his prayers; these your Lordship shall never fail of, with an heart as full of true affection to your Lordship as ever any was. My Lord, it was not the loss of my Place and with that of my Fortunes, nor being exiled from my Dear Countrey and Friends, though many of them were cause of sorrow, that afflicts me; but that which I most suffer under, is that displeasure of the House of Commons conceived against me; I know a true heart I have ever born towards them, and your Lordship can witness in part, what wayes I have gone in: but silence and patience best becomes me, with which I must leave my self and my actions to the favourable constructions of my Noble Friends, in which number your Lordship hath a prime place. I am now at the Hague, where I arrived on Thursday the last of the last month, where I purpose to live in a fashion agreeable to the poorness of my Fortunes; for my humbling in this World; I have utterly cast of the thoughts of it, and my aim shall be to learn to number my daies, that I may apply my heart to wisdom, that Wisdom that shall wipe all Tears from mine Eyes and heart, and lead me by the hand to true happiness which can never be taken from me: I pray God of Heaven blefs this Parliament with a happy both progress and conclusion, if my ruin may conduce but the least to it I shall not repine at it. I truly pray for your Lordship and your Noble Family, that God would give an increase of all worldly blessings, and in the fulness of daies to receive you to his Glory; If I were capable of serving any body, I would tell your Lordship, that no man should be readier to make known his devotion and true gratitude to your Lordship, than

The Lord Keeper Finch his Letter to the Lord Chamberlain.

Your Lordships most humble and most affectionate  
poor Kinsman and Servant,

J. F.

A Message was this day sent to the Lords by Mr. Waller, to desire, That the Lord Chief Justice Bramston, L. Chief Baron Davenport, Mr. Justice Barkley, Mr. Justice Crawley, Baron Trevor, and Baron Weston, do by themselves or others put in good Security to abide the Judgment of the Parliament, for those Informations and several Examinations of Crimes of a high Nature against them.

Tuesday, December 22. Message about the Judges.

This day the Earl Marshal acquainted the House of Lords, That in the absence of the Lord Keeper, his Majestie hath deputed by Commission under the Great Seal of England, Sir Edward Littleton Lord Chief Justice of the Common-Pleas, to sit as Speaker in the Lord Keeper's Place, the Commission bearing Date the 22. of Decemb. 1640. being delivered to the Clerk, was by him publicquely read and approved of.

Sir Edward Littleton deputed by Commission Speaker of the House of Peers in the absence of the Lord Keeper.

Upon Mr. Waller's bringing up from the Commons Accusations against Sir John Brampton Knight, Lord Chief Justice of the Kings-Bench, the Judges Berkley, Trevor, Weston, Crawley, and the Lord Chief Baron Davenport, and desires, That they may Enter into Recognizance to be forthcoming and abide the Judgment of Parliament; The said Judges being all, Except the Lord Chief Baron, present, submitted themselves to the Pleasure of the House; and thereupon it was Ordered, That the said Judges at present should enter into Recognizance in the open Court; which

The Judges impeached by the Commons.

G g g g g

every



1640.

wednesday,

Decemb. 23.

Dr. Potter

Vice-Can. of

Oxon sent for.

wilkinsons ac-

cusation.

every one of them particularly did in the same manner as did the Bishop of *Ely*, and the next morning the Lord Chief Baron did the same.

A Committee was also appointed for to draw up Articles against the Bishops of *Ely* and *Bath* and *Wells*.

This Day the Bishops of *Bangor*, *Peterburgh* and *Landaff* entred into Recognizance before the Lords for the Bishop of *Ely*.

Upon the Report of the sub Committee for Religion, Dr. *Potter* the Vice-Chancellor of *Oxford* was ordered to be sent for, for suspending one Mr. *Wilkinson* a Batchellor in Divinity from Preaching in the University; and it was Ordered that *Wilkinson* be restored to his Divinity Lecture in *Magdalen* Hall as publickly as he was suspended, and to Print his Sermon if he pleases.

The Articles which the Vice-Chancellor sent up in writing, which were the occasion of his suspension, were these.

1. *Our Religious Sovereign and his Pious Government is Seditiously defamed, as if his Majesty were little better than the Old Pagan Persecutors, or than Queen Mary.*

2. *The Government of the Church and University is unjustly traduced.*

3. *Men of Learning and Piety, conformable to the Publique Government, are uncharitably slandered.*

But all this being against the Bishops and their Government, was but *aliquid mordacis Veritatis*, as Sir *Edward Deering* said at the Committee, and did not deserve *Notam censoris nedum lituram judicis*, there being, as he affirmed, nothing duly proved, and that the Vice-Chancellor had learned *Audacter Criminare*.

Upon the Complaint of the same person Mr. *Fullham* Chaplain to the Bishop of *Oxon* was also sent for.

Court of York.

A Committee was then appointed to consider of the Court of *York*, and of the Court and Councils of the marches, their Original, Foundation, Institution and proceedings.

Army pay-

ment.

The House then fell upon the business of the Army, and it was Ordered that 3000 *l.* should be paid to the Garison at *Barwick* 1000 *l.* to the Garison of *Carlile*, and 16000 *l.* to the Army, and because there had been some difference about who were to be esteemed persons justly suspected for Recusants mentioned in a former order for putting them out of Commands, it was explained that by the word justly suspected such persons were to be understood, as upon tender of administring the Oaths of Allegiance and Supremacy, refused to take them.

Recusant justly

suspected who.

Two Subsidies

more Voted.

The House also Voted two more subsidies should be raised for the same use and as the House shall appoint, the first to be paid by the tenth of *February*, the second by the tenth of *May* next ensuing.

Disposal of the

money gather-

ed at the Sa-

crament.

The Mony which was collected at the time of their receiving the Sacrament was by order of the House distributed as followeth.

|                                                                        | l. | s. | d. |
|------------------------------------------------------------------------|----|----|----|
| <i>To defray the Charges of the Church</i> _____                       | 04 | 15 | 06 |
| <i>To the Ministers that did officiate</i> _____                       | 10 | 00 | 00 |
| <i>To the four Preachers, in plate</i> _____                           | 26 | 13 | 04 |
| <i>To an Aged Scholar recommended by a Member of the House</i> _____   | 01 | 10 | 00 |
| <i>To the Poor of Westminster Hospitals and Prisons included</i> _____ | 41 | 17 | 04 |

Total Collected 78—16—02

Sir



Sir Henry Mildmay was sent up with this Message to the Lords to desire their Lordships to take security of the Bishop of Bath and Wells by himself or others to be forth coming and to stand to and abide the judgment of Parliament, to which the Lords agreed.

Friday was Christmas day, so the House sate not, nor till Tuesday the 29, when it was

Resolved upon the Question,

That Sir George Ratcliff shall be accused of High-Treason in the name of all the Commons of England, and Mr. Pym to go up to desire the Lords to proceed in his Examination with all Secrecy as in the case of the Earl of Strafford, which was by their Lordships assented to.

Mr. Pym Reports Mount Norris his Case, but it is not entred upon the Journal, but upon it the House proceeded to these Resolves.

Resolved upon the Question.

(1.) That the several Proceedings of the Lord Lieutenant of Ireland against the Lord Mount-Norris concerning the Office of Secretary Office of Privy-Signet, and the Fee of 200l. per annum, are unjust and illegal.

(2.) Resolved &c.

That the Sentence given by the Council of War against the Lord Mount-Norris and the Proceedings thereupon, are unjust and illegal.

(3.) Resolved &c.

That the Commission which issued forth during the time of the imprisonment of the Lord Mount-Norris, returnable at the Council Table in Ireland, and the Proceedings thereupon, are unjust and illegal.

(4.) Resolved &c.

That the Lord Mount-Norris is unjustly grieved and vexed by the Informations exhibited against him in the Castle-Chamber at Dublin, and the Proceedings thereupon.

(5.) Resolved &c.

That the Proceedings against the Lord Mount-Norris concerning the Manor of Ternoe upon the Petition exhibited to the Lord Lieutenant is illegal and unjust.

(6.) Resolved, &c.

That the Proceedings by the Lord Lieutenant concerning the Petition of Peppard and Manwaring against the L. Lieutenant, are illegal and unjust.

Mr. Pym ordered to carry up the Articles against Sir George Ratcliff; which was done accordingly, and were as follows:

The Accusation and Impeachment of Sir George Ratcliff by the Commons in this present Parliament assembled, charging him with High Treason and other Misdemeanors.

**I**Nprimis, That he the said Sir George Ratcliff had Conspired with the Earl of Strafford to bring into Ireland an Arbitrary Government, and to Subvert the Fundamental Lawes, and did joyn with the Earl to bring in an Army from Ireland to subdue the Subjects of England.

Secondly, That he hath joyned with the said Earl to Exercise Regal Power, and to deprive the Subjects of their Liberty and Property.

G g g g g 2

Thirdly,

1640.

Thursday,  
Decemb 24.  
Mefs. about  
Bishop of Bath  
and wells.

Tuesday,  
Decemb. 29.  
Sir George  
Ratcliff to be  
Accused.

Wednesday,  
Decemb. 30.  
Resolves about  
Mount-Norris,  
his Case.

Articles against  
Sir George  
Ratcliff.



1640.

Thirdly, That he hath joyned with the said Earl to take Thousand pounds of the Exchequer in Ireland, and bought Tobacco therewith, and converted the profits of the same to their own Use.

Fourthly, That he had Trayterously confederated with the Earl to countenance Papists, and build Monasteries, and to alienate the affections of the Irish Subjects from the subjection of England.

Fifthly, That he had Trayterously confederated with the Earl to draw the Subjects of Scotland from the King.

Sixthly, That to preserve himself and the said Earl, he had laboured to Subvert the Liberties and Priviledges of Parliament in Ireland.

After the Articles were Read, Mr. Pym spoke as followeth.

My Lords,

**B**T hearing this charge, your Lordships may perceive what near conjunction there is between this Cause and the Earl of Straffords, the materials are for the most part the same in both: the offences of the Earl moving from an higher Orb are more comprehensive, they Extend both to England and Ireland; these (except in one particular of reducing England by the Irish Army) are confined within one Kingdome, the Earl is charged as an Author, Sir George Ratcliff as an Instrument and Subordinate Author.

The influence of Superior Planets are often augmented and inforced, but seldom mitigated by the concurrence of the Inferiors: where merit doth arise not from well doing but from ill, the officiousness of Ministers will rather add to the Malignity of their Instructions than diminish it, that so they may more fully ingratiate themselves with those upon whom they depend.

In the Crimes committed by the Earl there appears more haughtiness and fierceness, being acted by his own principles: those motions are ever strongest which are nearest the Primum mobile. But in those of Sir. George Ratcliff there seems to be more baseness and servility, having resigned and subjected himself to be acted by the corrupt Will of another.

The Earl of Strafford hath not been bred in the Study and Practice of the Law, and having stronger lusts and passions to incite and less knowledge to restrain him might be more easily transported from the Rule; Sir George Ratcliff in his natural temper and disposition most moderate, and by his Education and Profession better acquainted with the grounds and directions of the Law, was carried into his Offences by a more immediate concurrence of Will and a more corrupt Suppression of his own Reason and Judgment. My Lords, as both these have been partners in offending, so it is the desire of the Commons they may be put under such Trial and Examination and other proceedings of Justice as may bring them to partake of a deserved punishment, for the safety and good of both Kingdoms.

This Day the Bishops of Gloucester, Oxon, and Rochester, Entred into 10000 l. Recognizance, as Sureties for the Bishop of Bath and Wells.

A Message was sent to the Lords to move them, That Care might be taken of the Army so as to prevent Disorders; and to move the King to disband his Army in Ireland.

The Earl Marshal Reports the Opinion of the Committee, to whom the Consideration of the Protestation of the Peers of this Realm upon Honour, was referred, upon some doubts that had arisen in a former Debate of the House of Peers upon a former Order to that purpose as follows.

**O**UR Opinions are clear, and that upon hearing divers Learned Men of both Laws speak, That our Answers upon Honour only can be no Impediment to the Common Justice of the Kingdom, but a Just preservation of our Ancient Liberties, and therefore we offer it as our Unanimous Opinions, that our former Order may stand in full force which is entred upon our Roll in hæc verba.

Ordered

Mr. Pym's  
speech after  
the reading of  
Sir George Rat-  
cliff's Articles.

Bishop of Bath  
and Wells Bail-  
ed.

Message to the  
Lords.

Thursday,  
Decemb. 31.  
The Order a-  
bout Peers  
making Pro-  
testation upon  
Honour not  
upon Oath.



Ordered upon the Question, nemine contradicente, That the Nobility of this Kingdom and Lords of the upper House of Parliament, are of antient Right to answer in all Courts as Defendants upon Protestation of Honour only, and not upon the Common Oath; and that the said Order and this Explanation doth extend to all answers and Examinations upon Interrogatories in all Causes as well Criminal as Civil, and in all Courts and Commissions whatsoever; and also to the persons of the Widdows Dowagers of the Temporal Peers of this Land; and that the Lord Keeper of the Great Seal of England for the time being, or the Speaker of the Lords House for the time being, do forthwith give notice of it, together with this Explanation, to all the Courts of Justice and the Judges, Clerks, and Registers of them, by causing our Former Order with this Explanation to be recorded in all Courts, and that all Orders, Constitutions or Customs, entred or practised to the contrary wheresoever, be abolished and declared void, and the Lord Keeper of the Great Seal for the time being, or the Commissioners for the Great Seal out of Parliament time, shall see all practices to the contrary hereafter to be punished with Exemplary Severity, to deter others from the like attempts.

I 64 C.

These two Dayes were spent in the Debate about the business of the Subsidies, but the House came not to a final determination, in the reading of the Bill, the Name of *Cambridg* being put before *Oxford*, it occasioned some Debate in the House concerning the precedency of the Universities and their Antiquity, upon which occasion Sir *Simon D'Ewes* a great Antiquary made this following Speech concerning the Antiquity of the University of *Cambridge*.

Friday and Saturday the 1. and second of January.

I Stand up to perswade if it may be, the declining of the present Question; and the further dispute of this business. Yesterday we had long debate about the putting out of a word, and now we are fallen upon the dispute of putting one word before another. I account no Honour to *Cambridge*, that it got the precedency by Voices at the former Committee, nor will it be any glory to *Oxford* to gain it by Voices here, where we all know the multitude of Burrough Towns of the Western parts of *England* do send so many worthy Members hither, that if we measure things by number, and not by weight, *Cambridge* is sure to loose it. I would therefore propound a more noble way, and means for the decision of the present Controversie, than by Question; In which, if the University of *Oxford* (which for my own part I do highly respect and honour) shall obtain the Prize, it will be far more Glory to it, than to carry it by multitude of Voices, which indeed can be none at all. Let us therefore dispute it by Reason, and not make an Idol of either place, and if I shall be so Convinced, I shall readily change my Vote, wishing we may find the same Ingenuity in the *Oxford* Men.

Sir Simon D'Ewes Speech about the Antiquity of *Cambridge*, Jan. 21. 1640.

There are two principal Respects, besides others, in which these Famous Universities may claim Precedency each of other.

First, In respect of their being, as they were places of Note in the Elder Ages.

Secondly, As they were antient Nurseries, and Seed plots of Learning. If I do not therefore prove, that *Cambridge* was a renowned City at least 500 years before there was a House of *Oxford* standing, and whilest bruit Beasts fed, or Corn was sown on that place, where the same City is now seated; And that *Cambridge* was a Nursery of Learning before *Oxford* was known to have a Grammar School in it, I will yield up the Bucklers. If I should loose time to reckon up the vain allegations produced for the Antiquity of *Oxford* by *Twyne*, and of *Cambridge* by *Cajus*; I should but repeat *Deliria senum*; for I account the most of that they have published in Print to be no better. But I find my Authority without exception, that in the Antient Catalogue of the Cities of *Brittain*, *Cambridge* is the ninth in number, where *London* it self is but the eleventh, and who would have thought that ever *Oxford* should have contended for Precedency with *Cambridge*, which

London.



1640.

London gave it above 1200 years, This I find in *Gildas Albanus* his Brittish story, who died about the year 520. being the antientest Domestick Monument we have, pag. 60. And in a Saxon *Anonymous* story in Latine, touching the Britains, and Saxons pag. 39. who saith of himself, that he lived in the days of *Penda* King of the *Mercians*, in the Tenth year of his Reign, and that he knew him well, which falls out to be near upon the year 620. And lastly, I find the Catalogue of the said *Brittish* Cities with some little variation to be set down in *Nennius* his Latine story of *Brittain* pag. 38. and he wrote the same as he saies of himself in the year 880. they all call it *Cair-Grant*. The word *Cair* in the old Celtick Tongue signifying a City.

These three stories are exotick, and rare Monuments, remaining yet only in antient Manuscripts amongst us not known to many: but the Authority of them is irrefragable, and without exception. The best and most antient Copies that I have seen of *Gildas Albanus*, and *Nennius* remain in the University Library of *Cambridge*, being those I have vouch'd, and the Saxon *Anonymous* in a Library we have near us. This *Cair-Grant* is not only expounded by *Alfred* of *Beverley*, to signifie *Cambridge*, but also by *William de Ramsey*, Abbot of *Croyland*, in his Manuscript story of the Life of *Guthlacus* ignorantly in those Elder days reputed a Saint, the said *William* goes further, and sayes, it was so called à *Granta Flumine*, this place remained still a City of Fame, and reputed a long time under the Reign of the *Engl.* Saxons, and is called in divers of the old Manuscript Saxon Annals *gran-tece-aþten*. And notwithstanding the great devastations it suffered with other places, by reason of the *Danish* Incurfions, yet in the first Tome, or Volume of the Book of *Domes Dei* (for now I come to cite Record) it appears to have been a place of considerable moment having in it *decem Custodias*, and a Castle of great strength and extent, and so I have done with *Cambridge*, as a renowned place.

And now I come to speak to it, as it hath been a Nursery of Learning, nor will I begin higher with it, than the time of the Learned *Saxon* Monarch King *Alfred*, because I suppose no man will question or gainsay, but that there are sufficient Testimonies of Certain Persons that did together in *Cambridge* study the Arts and Sciences much about that the time. And it grew to be a Place so Famous for Learning about the time of *William* the First, the *Norman*, that he sent his Younger Son *Henry* thither to be there instructed, who himself being afterwards King of *England* by the name of *Henry* the First, was also surnamed *Beau-Clerk*. in respect of his great and invulgar Knowledg. If I should undertake to alledge, and vouch the Records, and other Monuments of good Authority, which assert, and prove the Increase, and flourishing Estate of this University in the succeeding Ages, I should spend more time, than our great and weighty occasions at this present will permit; It shall therefore suffice to have added, That most Antient, and first endowed Colledg of *England*, was *Valence* Colledg in *Cambridge*, which after the Foundation thereof, as appears by one of our Parliament Rolls, remaining upon Record in the Tower of *London*, received the new Name or Appellation of *Pembroke Hall*; It is in *Rot. Parliam. de Anno 38 H. 6. num. 31*. It appearing therefore so evidently by all that I have said, That *Cambridge* is in all respects the Elder Sister, (which I speak not to derogate from *Oxford*) My humble Advice is, That we lay aside the present Question, as well to avoid Division amongst our selves as to intomb all farther Emulation between the Two Sisters, and that we suffer the present Bill to pass as it is now penned; and the rather, because I think *Oxford* had the Precedence in the last Bill of this nature that passed this House.

January 2.  
Sir George Ratcliff's Petition  
for Counsel  
and a Solicitor.

This Day Sir George Ratcliff Petitioned the House of Lords as followeth.

To the Right Honourable the Lords Spiritual and Temporal in the High Court of Parliament Assembled,

The humble Petition of Sir George Ratcliff Knight,

IN all humble Thankfulness acknowledging your Lordships Noble Favours to allow him Counsel, he humbly presents unto your Lordships the Names under-



underwritten of such as he desires may be assigned of his Counsel, submissively beseeching your Lordships that they may be assigned for him according to the honorable Order of this House of the 31. of Decemb. last; and he is further an humble Suitor to your Lordships, That Leonard Robinson may be allowed for his Solicitor in this Cause.

And he shall pray, &c.

Mr. Serjeant Godbold, Mr. Serjeant Rolles, Mr. Recorder of London, Mr. Tates, Mr. Lowe, Mr. Lewis, Mr. Lightfoot, Mr. Pannel.

Hereupon it was Ordered by the House, That the said Sir George Ratcliff shall have such of those Counsel mentioned in the Petition assigned him in this business as are not of Counsel with the Earl of Strafford, and shall have liberty to present the names of Others to supply their places, so as they be such as this Honourable House shall first approve of: And further it was Ordered, That Mr. Leonard Robinson be allowed to be his Solicitor in this Cause.

This Day Mr. Serjeant Godbold, Mr. Tho. Gates, Mr. Robert Pannel, Mr. Richard Newdigate, Mr. David Jenkins, were assigned Counsel for Sir George Ratcliff by the House of Lords.

Sir Richard Wiseman who had been a long time Committed to the Fleet by Order of the Star-Chamber, was this day released, and a Committee of Lords appointed to inquire into his Case.

Mr. Huish and Mr. Erle, Clerks, who were in Custody of the Serjeant, ordered to be Bailed, and to attend *de die in diem* the further Pleasure of the House.

Information was given in by Alderman Pennington against Dr. Pierce Dean of Bath and Wells, for dangerous words spoken against the last Parliament, viz. That they were a company of Factious Puritanical Fellows that would wire-draw the King for Money, and that the King would never be at quiet, until he had taken off Twenty or more of their heads. For which he was sent for into Custody of the Serjeant at Arms attending the House.

Dr. Potter the Vice Ch. of the University of Oxford was brought to the Barr and had his Charge read, he desired he might have the Liberty to speak; upon which he was ordered to withdraw, and upon the Debate of the House it being resolved that he should be heard, he was again called in, and Mr. Speaker told him, That the House gave him leave to make his Defence. Whereupon he informed them, That Mr. Wilkinson's Suspension was according to the Statutes of the University, but that notwithstanding he did submit himself to the Judgment of the House, and professed himself willing in any way to take it off. Then he was again commanded to withdraw, and the House having Debated of the matter, being called in, and Mr. Speaker told him, That the Pleasure of the House was, That he should repair to his Charge at the University of Oxon, and appear when the House should think fit to send for him; and so he was discharged.

This Day Mr. St. Johns was sent up to the Lords with a Message concerning Ship-Money, which he delivered by way of Argument, as followeth.

My Lords,

The Knights, Citizens, and Burgessees, of the Commons House, have intrusted me with a message to your Lordships, of a general and very high concernment, so general,

I 64 C.

Their Names.

The Order of the Lords upon it.

Counsel assigned by the Lords for Sir Geo. Ratcliff.

Monday, Jan. 4. Bail.

Information against Dr. Pierce Dean of Bath and Wells.

wednesday, Jan. 6. Dr. Potter Vice Chan. Oxon sent home.

Mr. St. Johns Argument concerning Ship Money, before the Lords, Jan. 7. 1640.



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ral, that the whole body of the Kingdom both Peers and People, are interested in it, of so high a consequence, as that there is nothing that can concern us nearer.

It's one of the Grandia Regni, so great as that I shall not need to present it to your Lordships in a multiplying Glass, it will appear too big in its own dimensions.

2. It's not that Ship-money hath been levied upon us, but its that right whereby Ship-money is claimed, which if it be true, is such as that it makes the payment of Ship-money the gift and earnest penny of all we have.

It's not that our Persons have been imprisoned for payment of Ship-money, but that our Persons and (as it is conceived) our lives too, are upon the same grounds of Law, delivered up to bare Will and Pleasure.

It's that our Birth-right, our Ancestral-right, our condition of continuing Free-Subjects, is lost, that of late there hath been an endeavour to reduce us to the state of villainage, nay to a lower.

It's true, the Lord might tax his villain De haute & de basse, might take all his Lands and Goods, the villain had no property against the Lord, the villain he could not Ire quo voluit, he had no liberty of person, the Lord might imprison him at his pleasure, but the villains life was his own, and not his Lords, the Law secured him that. But my Lords, as the Law stands now declared, its disputable; whether it doth so much for us.

My Lords, the Subject of this Message is, to present the sence of the Commons to your Lordships; That the Laws of the Realm instituted at first, and freely assented unto, and chosen by their Ancestors for the preservation of themselves and us their descendents, in our Persons, Lives and Estates, have bin of late intrusted unto such hands, as have endeavoured to force upon them a contrary end to that, for which they were ordained, from defensive to turn them to offensive, and instead of protecting us, to make the Laws the instrument of taking from us all we have; Those carriages which have produced this sence of the Commons, I am commanded at this present to declare to your Lordships.

They are certain extrajudicial opinions delivered by the Judges at several times, the one in November 1635. The other a year after in February 1636.

The Ship-writs that have issued to all the Counties of England, for these many years last past without intermission: The principal thing in these writs which I am to present to your Lordships, is not the charge and burthen which have been thereby imposed upon the Subjects, though that be great, but the declarations in them of the Law, and of the right whereby this burthen may be imposed.

The last is, that judgment in Master Hampdens case in the Exchequer upon these Ship-writs.

My Lords, the two last, that is the ship-writ and the judgment, because they are very long, I am only to open them without reading, and to deliver them to your Lordships; the other two I am to read them, and then to deliver them to your Lordships.

### Ship-money.

The first opinion in November 1635. was read as followeth.

**I** Am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritime parts, as in case of Piracy or depredations upon the Seas, there the charge hath been. and may be lawfully imposed upon them according to presidents of former times, so where the good and safety of the Kingdome in general is concerned, and the whole Kingdome in danger, (of which his Majesty is the only Judge) there the charge of the defence ought to be born by all the Realm in general: this I hold agreeable both to Law and Reason.

My Lords, these opinions were delivered by the Judges severally and apart, they were procured by the solicitation of my Lord Finch; The Judges as he severally procured their hands, were by him enjoined secrecy accordingly, these opinions walked in the dark for a year and upwards: afterwards the Procurer of them, my Lord Finch, liked them so well, as that he presumed to deliver them to his Majesty. By his procurement, a letter was directed from his Majesty to the Judges for the delivery of their opinions in these, and some other conditionals. The former that hath bin read is more modest, it's only that his Majesty

is



is the sole Judge of the danger, and that the Island as well as the Maritime Towns are chargeable to the defence of the Kingdome.

It's not declared in these, that this charge may be imposed by his Majesty alone, for the expression is only, that the charge may lawfully be imposed, say not by whom.

*In the other Opinions they proceed à malo ad pejus, and speaks plain English, which follow in hæc verba.*

Charles R.

The Case.

**W**Hen the Good, and the Case and Safety of the Kingdom in general is Concerned, and the whole Kingdom in Danger, whether may not the King by Writ under the Great Seal of England, Command all the Subjects in this Kingdom at their Charge, to provide and furnish such number of Ships with Men, Victuals, and Munition, and for such time as he shall think fit for the Defence and Safeguard of the Kingdom, from such Danger and Peril, and by Law Compel the doing thereof in case of refusal or refractoriness? and whether in such case, is not the King the sole Judge, both of the Danger, and when, and how, the same is to be prevented and avoided? C. R.

Judges Answer.

**M**AY it please your most Excellent Majesty, we have according to your Majesties Command, severally, and every man by himself, and all of us together taken into serious consideration, the Case and Questions signed by your Majesty, and inclosed in your Royal Letter, and we are of opinion, that when the good and safety of the Kingdome in general is concerned, and the whole Kingdome is in danger, your Majesty may by writ under the great Seal of England, command all the Subjects of this your Kingdome at their charge to provide and furnish such number of Ships, with men, victual and munition, and for such time as your Majesty shall think fit, for the defence and safeguard of the Kingdome, from such danger and peril: And that by Law your Majesty may compel the doing thereof, in case of refusal or refractoriness; And we are also of opinion, that in such case your Majesty is the sole Judge, both of the danger, and when, and how the same is to be prevented and avoided.

These Opinions were subscribed by all the Judges, in Serjeants Inn hall; they were afterwards published in the Starr-Chamber, that the Subjects might take notice of them, and that they might never be forgotten; they are enrolled in all the Courts of Westminster Hall, in *perpetuam rei memoriam*: Your Lordships will be pleased to give me leave to repeat them, in their plain and legal fence, which I conceive to be thus.

That his Majesty, as often as himself pleaseth, may declare that the Kingdome is in danger, That so often, for prevention of such danger, His Majesty by his Writ, under the great Seal of England, may alter the property of the Subjects Goods, without their consent in Parliament, and that in such proportions, as his Majesty shall think fit, and besides the altering of the property of their Goods, for the prevention of such danger, may deprive them of the liberty of their Persons, and of their lives, and that in such manner as himself shall please.

1. The first of these (*viz.*) that his Majesty may declare the danger, as often as he pleaseth, is made good in these words, that the King is sole Judge of the danger, and when the same is to be prevented and avoided.

2. The second, that so often he may alter the property of the Subjects Goods, without consent in Parliament, in these words; That his Majesty may, by writ under the Seal of England, command and compel all the Subjects of the Realm, at their charge, to provide and furnish Ships.

3. That this may be in what proportion his Majesty shall please in these words, that his Majesty may command them to provide and furnish such number of Ships, with Men, Victuals, and Munition, and for such time as his Majesty shall think fit.

4. The last (*viz.*) that which concerns our Persons in these two clauses.

H h h h h

1. That



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1. That his Majesty in case of refractoriness may compel the doing of it, this compulsion in case of refractoriness, includes the Person as well as the Estate: Nay, it sounds more in the personality then otherwise. For the other, *viz.* whether this personal compulsion may extend so far as to life, I humbly leave it to your Lordships considerations, upon the other Clause; That is, that his Majesty is the sole Judge of such danger, and when, and how the same is to be prevented, whether the words, how it is to be prevented, in this case of personal compulsion, doth not leave the manner of it wholly in his Majesties breast.

My Lords, if these opinions extend only to Ship-money, it is enough his Majesty takes what he will, and when he will, if all be taken to day, and afterwards by dissent or my own labor I get a new stock or lively-hood, that is no more mine then the former, so that there is no property left unto the Subject, though the opinions go no further. But my Lords, Ship-money is not the whole extent of them, Ship-money, by these opinions is not due by any peculiarity in Ship-mony: but Ship-money is therefore due, because his Majesty is the sole Judge of the danger of the Kingdome, and when, and how the same is to be prevented, because his Majesty for the defence of the Kingdome, may at his will and pleasure charge the People, this is the ground; and upon the same reason the compulsion may be as well for the making and maintaining of Castles, Forts, and Bulwarks, making of Bridges, for transporting his Armies, for Provision of Wages, and Victuals, for Souldiers, for Horses and Carriages, it may be multiplied in *infinitum*.

It may be done when the good and safety of the Kingdom is concerned, this extends to all things and at all times, *Qui jacit in terra, non habet unde cadat*.

If these opinions be Law, I humbly leave it to your Lordships considerations, whether the Government be not *Imperium legibus solutum*; The next thing I shall offer to your Lordships is the Ship-writs, a transcript of one of them directed to the Sheriff of Dorsetshire, I shall deliver, all the rest being of the same form: because that writ is long, I shall open it briefly, it's to this effect.

There is a declaration in it that *Salus Regni periclitabatur*, that the safety of the Kingdome was in danger.

Therefore the Inhabitants of the several Counties are commanded for the defence of the Kingdome, for the custody of the Seas, for the safeguard of the Merchants from Pyracie, inward and outward, that they should provide a Ship of Warr, furnished with Gunns, gunpowder, double Tackle, and all other necessities; and this Ship thus furnished at a day set, to be brought to *Portsmouth*, to be provided for six and twenty weeks of Marriners Wages, Victuals, and other necessities, and for the doing of this, authority is given to the Sheriffes, of the several Counties, to assess every of the Inhabitants *Secundum statum & facultates suas*, according to their estates and means, and further power given him by distraining and setting of the distress to levie these monies, *Si contrarios invenerit*, then to imprison their Persons: and further declares, that all this may be done, *Secundum Legem & consuetudinem Regni*; The sence I conceive is briefly thus: That by the Laws of the Kingdome, when his Majesty shall declare that the Kingdome is in danger, he may alter the property of the Subjects goods, and imprison their Persons, nay, that not only his Majesty, but the Sheriffes may imprison their Persons; by the Law the Lord might imprison his Villian, but could not transferr that power to his Bayliffe, or to any other, it was personal; That the execution of this power over the Persons of the Subjects hath gone no further then their imprisonment, whether therein we be not wholly beholding to his Majesties Grace and Goodness, and nothing at all to the Opinions of the Judges, I leave it to your Lordships considerations.

The last thing is, the Judgement in the Exchequer, in the thirteenth year of his now Majesties Reign, against Master *Hampden*, the Record is very long, I shall briefly open it to your Lordships, *Quarto August. 11. Caroli*, there issued Ship-Writs to the several Counties, amongst the rest to the County of Buckes, the Sheriffes assessed the Inhabitants; some of them made default, and did not pay upon a *Certiorari* out of the Chancery, directed to the Sheriffe, he certifies the person that made default, together with the Summons assessed upon them. From the Chancery by *Mittimus*, These Certificates were sent into the Exchequer, to the intent Procefs might issue against the defaulters. A *Scire facias* issued to the Sheriffe of Buckes, who thereupon amongst other Returns, that Master *Hampden*



den had been assessed twenty shillings, for some Lands in *Stoke-mandevile* in that County, which he had not paid, Master *Hampden* appeared, and upon his appearance demands *Oyer* of the Ship-Writs, and the other proceedings, after his hearing thereof and understanding the contents, he demurres in Law, that is, demands the Judgement and Opinion of the Judges, whether this writ was sufficient in Law, and to force him to pay the said twenty shillings.

This being a great and general case, the Barons of the Exchequer desired the assistance of the rest of the Judges, who did joyn accordingly. The case came to be argued, there were four Arguments, two on Master *Hampdens* side, and two on the other side, the first was in Michaelmas Term, after Alholantide, and all the four Arguments were speeded before Christmas day, two of them in the Term, and no longer time would be procured for the rest, but the short vacation between Michaelmas Term and Christmas, it was a Case of so little concernment, that whereas in Westminster Hall, Term after Term is usually given to Argue any demurrer, this must be argued betwixt Alholantide and Christmas, throughout after the Arguments, the Council on both sides were commanded to bring before the Judges the Records and Authorities cited, they were brought, and for the case of the Judges, many of them on Master *Hampdens* part were abbreviated on the backsides, those abbreviations were commanded to be expounded; afterwards the Case came to Argument at the Bench, there the case was judged, and by the greater part of the Judges judgment was given against Master *Hampden*; when the Judges had delivered their Opinions, it was the Barons part to give judgment, the judgment, *Quod separabilia brevia predict. & return. eorundem ac Schemulum predict. eisdem annex. ac materia in eisdem content. suffecerit in lege existent. ad prefatum Johannem Hampden de predict. viginti solidis super ipsum in forma & ex causa predict. assessis onerand. Ideo consideratum est per eosdem Baron. quod predictus Johannes Hampden de eisdem viginti solidis oneratum exinde satisfaciatur.*

My Lords, this Judgment is a full and plenary execution of the former Opinions of the Judges, and of the Ship-writs, for so much as it concerns our propriety; It was given in Master *Hampdens* case only; but binds all the Subjects: for so binding; it is as that an Honourable Person, now in my eye, in a case depending in the Kings Bench, was denied any argument or debate, concerning the right of Ship-money, for no other reason, but that it had been by the former Judgment adjudged already in the Chequer.

My Lords, these extra-judicial Opinions of the Judges, these Ship-writs, and this Judgment, are those Carriages which have introduced this fence of the Commons, that the fundamental Laws of the Realm concerning our property and our Persons are shaken.

My Lords, The Commons have taken the extrajudicial Opinions published and enrolled, and the rest severally into consideration, they had been read openly in the House, and after long debate, and long rather in consideration of the greatness of the matter than of the difficulty of it, they came to vote, four several votes passed upon them, the votes passed without so much as one negative voice to any of them.

The Votes were in substance, that they were against the Laws of the Realm, the Right of the Property, the Liberties of the Subject, contrary to the former Resolutions in Parliament, and to the *Petition of Right*.

The extrajudicial Opinions inrolled, they voted in the whole, and every part of them to be contrary to all these; for they did conceive that in these Opinions, there was not any one Clause that was agreeable to the Law, but that throughout they were contrary to the Lawes.

My Lords, the things which the Commons took into their Consideration, before they proceeded to their Votes, were their proceedings in the Parliament held 3 Car. when the *Petition of Right* was framed.

The Commons went no higher, the Reasons inducing them thereto, was, because in that Parliament all those three had bin debated, Property of Goods, Liberty of Persons, and security of our Lives.

Two of them, that is, Propriety of Goods, and Liberties of Persons, by the occasions of the Commissions for the Loan, and the Instruction wherewith these Commissions were accompanied, that concerning our Lives, by occasion of the Commissions that had issued, for the executing of Martial Law.



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They conceive, that if any thing concerning these had passed *both Houses* and his Majesty, or the Judgment of *both Houses* without his Majesty, it would be in vain to look further, that it would be *actum agere*; Nay my Lords, they had a farther consideration, That if those were already settled in that *Parliament*, It would not onely be derogatory to the *Jurisdiction* of *Parliament*, but dangerous to look higher as that they would infer a defect in those Proceedings, and cast an aspersiion upon that *Parliament*; I am commanded now to present to your *Lordships Considerations*, those things which satisfie the *Commons*, which are these three.

1. The Commissions for the *Loans*, with the Instructions.
2. A Commission called the *Commission of Excise*.
3. An *Addition* of *Saving*, which was desired by your *Lordships* to have been added to the *Petition of Right*, at the time of the framing of it.

The Case upon the Commission for the *Loan*, standeth thus:

13. *Octobris*, 2 *Caroli*, divers Commissions were directed to sundry Commissioners, to the number of sixty or seventy Lords and Gentlemen, in the several Counties issued, whereby a compulsary ayd by way of *Loan* was required of the Subject; the Causes and Grounds of this Demand are in the Commissions expressed to be these.

The King found the Crown ingaged in War, by advice of *both Houses* in *Parliament*; That not only the King and the Subject, but also his Allies beyond-Sea, were in danger.

The parts beyond-Sea where our Cloth is vented, and from whence we have most of our provision for Shipping, were endangered; His Majesties Treasures were exhausted, and his Coffers empty. A *Parliament* had been summoned; but no supply.

Unavoidable necessity both at home and abroad, multiplied the Enemies; great and mighty preparations, both at Sea and Land, threatned the Kingdom daily.

Not only the *Kings* Honour, but the Safety and very subsistence of the *King* and *People*, and of the true *Religion* abroad, are in apparent danger of suffering irreparably, unless not only a speedy, but also a present stop be made; which cannot admit so long delay as the calling of a *Parliament*: the *People* assured on the Royal word of a King, that not one penny should be bestowed, but on those publick Services only, wherein every of them, and the whole body of the Kingdom, their Wives, Children and Posterity, have their personal and common Interests.

The Commissioners diligence commanded as they tendered the *Kings* Honour, and safety of the *Realm*; Here *salus Regni periclitabatur*, the whole Kingdom was in danger, as in the *Judges* Opinions, and as in the Ship-writs and judgment in the Exchequer. Nay my Lords, further; the Safety and very Subsistence of the *King*, *People*, and true *Religion* were in danger of suffering irreparably, the dangerous instance, not a speedy, but a present stop must be made, the supply could not stay for a *Parliament*; at this time his Majesties Coffers were exhausted, the King found his Crown engaged in this War, before the Access of it to himself, and that by Advice in *Parliament*; all this expressed, only lending of moneys for prevention required; but it was a compulsary thing, and became compulsary, by the instructions to bind over to the boord, and imprisonment for refusal. These Commissions were in the *Parliament* 3. *Car.* First resolved in the *Commons-house* to be against Law: afterwards by your *Lordships*, and consented unto by his Majesty, and are declared to be so in the *Petition of right*, and the imprisonment of the Subjects for refusal, declared in the *Petition of right* to be against Law.

My Lords,

The next is the Commission called the Commission of *Excise*, this was dated *ultimo Febr.* it was dated after the Summons to that *Parliament*: This Commission issued to 33 Lords, and others of his Majesties Privy Council; the Commissioners are thereby commanded to raise moneys by Impositions, or otherwise; as in their judgments they shall find to be most convenient.

The causes wherefore these moneys are to be raised, are expressed to be these.

The defence and safety of the King and *People*, which without extreamest hazard of the King, Kingdom, and *People*; and of the *Kings* Friends and Allies beyond



yond Seas, cannot admit no longer delay : inevitable necessity, wherein form and circumstance must rather be dispensed withall, than the substance lost.

The Commissioners not to fail therein, as they tendered his Majesties Honour, and the safety of the Kingdom and People.

Here *Salus Regni periclitabatur*, the whole Kingdom declared to be in danger, in greater and nearer, than in the opinions of the Shipwrits or Judgments in the Chequer.

In the Parliament 3. *Caroli* this Commission was adjudged by the *Commons* to be against the Laws of this Realm, and contrary to the Judgment given in the Petition of right, and after a conference with your Lordships, desired his Majesty that it might be cancelled : the then Lord-Keeper shortly after brought it cancelled to your Lordships in the House, and there said it was cancelled in his Majesties presence : you sent it cancelled to the *Commons* to be viewed, who afterwards sent it back to your Lordships.

*My Lords*, The last is the addition of saving, desired to be added to the Petition of right, which was in these words.

We humbly present this Petition unto your *Majesty*, not only with a care of preserving our own Liberties, but with due regard to leave entire the Sovereign power, wherewith your *Majesty* is trusted ; for the Protection, Safety, and happiness of your People : Your *Lordships* desire of this Addition to the *Petition of Right*, was taken into consideration by the *Commons* ; and after debate, it was thought fit by them to be rejected. A conference was had with your *Lordships*, Master *Noy* appointed by the *Commons* to declare the reasons of their resolution ; your *Lordships* not receiving satisfaction at that conference, whether this Addition should be rejected or not : it was again debated in the *Commons house*, they ventured upon the same bottom again ; It was thereupon resolved to be rejected, the reasons of their rejections were these in Summ :

First, they confess that if these words were taken as a bare proposition only, without any further reference to the Petition of right, that it was a true proposition.

That is, that the Law hath trusted the King with Sovereign power for the Protection, Safety and Happiness of the People.

But if it should be added to the *Petition of Right*, as was desired ; then was it not true, but would make the *Petition of Right* *felo de se*, and wholly destructive to it self in all the parts of it ; that it would proceed *à bene divisio ad male conjuncta* : for then the *Petition of Right*, as they resolved, would have this sense.

Whereas in the *Petition of Right*, it is said, that no aid, tax, tallage, or other charge whatsoever, may be imposed upon the People, without their free consent in Parliament ; it would have this construction. Its true, it cannot be done by the Kings ordinary Power, but it may be done by that Sovereign power wherewith the Law hath entrusted his Majesty for the protection, safety, and happiness of the People.

So likewise for imprisonment, that they ought not to be imprisoned without due process of Law. It is true ordinarily, that the King may imprison by his Sovereign power, wherewith the Law hath entrusted him for the protection, safety and happiness of the People.

So that, for that Martial Law, that the Subjects lives ought not to be taken away, unless by due process of Law. It is true ordinarily, but the King may do it by his Sovereign power, wherewith the Law hath intrusted him for the protection, safety, and happiness of the People : whereby they conceived that it would not only make the *Petition of Right* to be wholly destructive of it self, but likewise this *Petition of Right* would leave the subject in a far worse condition than it found them ; for it would necessarily infer, that which is against the Law : *viz.* that the King by his Sovereign power, when he pleased to declare that it was for the good of the People, might do all this.

Your Lordships at a conference of both *Houses*, engaged on the part of the *Commons* by Serjeant *Glanville*, and Sir *Henry Martin*, received satisfaction from these reasons ; and consented to the leaving out of this Addition ; and accordingly the *Petition of Right* passed, and is printed without it.

*My Lords*, these were the things I was commanded to present unto your Lordships : other things there were, as the Sentence against Bishop *Manwaring* ; but these



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these weighed so much with the *Commons*, as that they conceived they needed no more.

My Lords, these presidents of that Parliament, and these Opinions of the Judges, the Shipwrits, and the Judgements in the Exchequer, they are like the two Buckets of a Well, if one go up, the other must go down; *non bene conveniunt*.

*My Lords*, We have not cited these presidents out of diffidence, that your *Lordships* had forgotten them; but because others have; or that we distrust your *Lordships* Justice, if you had forgot them: for before these were, your *Lordships* concurred in opinion with your worthy Ancestours, that first gave them. Their Noble blood runs in your Veins. It's now to confirm your own Judgments as well as theirs, in your *Lordships* breasts: There are the same Magazines and Fountains of Honour and Justice, as was then: these Judgments and proceedings were the Actions of *both Houses*, the danger by violation is equal.

The *Commons* see nothing in the Judges Opinions or Judgments, why they should recede from their former Judgments, they hope the same from your *Lordships*.

Besides, *my Lords*, that the case is now much varied from what it was then; not only in the matter, but as it concerns the Honour and Jurisdiction of this great Judicatory, the *Parliament*.

The breach of *Priviledges* in the Members is tenderly resented, because that without this freedom, they cannot advise and consult concerning the *Ardua Regni*,

But when they have done all to have their Judgments, and their Acts of *Parliament* overthrown by the Judges afterwards, this makes Parliaments to be nothing, this sets up the Judges above the Parliament, this puts us out of hope of redress; if they may overthrow the proceedings of that Parliament of 3 *Caroli*, they may by the same reason overthrow the Actions of this, and of all future Parliaments.

*My Lords*, this was not the practice of their Predecessors, though but in private causes; if difficulty of Law arose, they always consulted this Oracle, and thence received their answer how to give Judgment. Judgments in the Highest Courts of *Westminster Hall*, I mean in the Kings Bench; where the proceedings are (*coram Rege*) are here reversed by Writ of Error. In causes of great and general concernment, they ever adjourned them hither as things too high for them.

*Qui consulta patrum, qui leges juraque servat*, doth well, they have taken that in their hands they had not to do withal; and how they have handled the matter, your *Lordships* have heard.

The Judges, as is declared in the Parliament, they have here made themselves the executioners of them; they have endeavoured the destruction of the Fundamentals of our Laws and Liberties. *Holland* in the Low-Countries lies under the Sea, the superficies of the Land is lower than the superficies of the Sea: It's capital therefore for any man to cut the Banks, because they defend the Countrey.

Besides our own, even Forraign Authors, as *Cominens* observes, that the Statute *de Tallagio*, and other old Laws, are the Sea walls, and Banks, which keeps the *Commons* from the inundation of the Prerogative.

These Pioners, they have not only undermined these Banks, but they have levelled them even with the ground.

If one that was known to be *hostis Patriæ*, had done this, though the damage be the same yet the guilt is less.

But the *Conservatores Riparum*, the Overseers intrusted with the defence of these banks, for them to destroy them, the breach of trust aggravates, nay alters the nature of the offence.

Breach of trust, though in a private person, and in the least things, is odious amongst all men; much more in a publick person, and in things of great and publick concernment, because great trust binds the party trusted to greatest care and fidelity.

Its Treason in the Constable of *Dover Castle* to deliver the Keys, to the known Enemies of the Kingdom; because that Castle is the Key of the Kingdom: whereas if the House-keeper of a private person, deliver possession to his Adversary; it's a crime scarce punishable by Law.

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The



The Judges under his Majesty, are the persons trusted with the Laws; and in them, with the Lives, Liberties, and Estates of the whole Kingdom: This trust of all we have, is primarily in his Majesty; and from him delegated to his Judges.

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His Majesty, at his Coronation, is bound by his Oath to execute Justice to his People, according to his Laws; thereby to assure the People of the faithful performance of this great trust. His Majesty again, as he trusts the Judges with the performance of this part of the Oath: so doth he likewise exact another Oath of them for their due execution of Justice to the People according to the Laws; hereby the Judges stand intrusted with this part of his Majesties Oath.

If therefore the Judges shall do wittingly against Law, they do not only break their Oaths, and therein the common faith and trust of the whole Kingdom, but do as much as in them lies, smear and blemish the sacred Person of his Majesty; with the odious and hateful sin of Perjury.

*My Lords*, the hainousness of this offence is most legible in the severe punishments which former ages have inflicted upon those Judges, who hath broken any part of their Oaths wittingly, though in things not so dangerous to the Subject, as in this case in question.

Sir *Thomas Wayland* Chief Justice of the Common Pleas, *Ed. 1.* was attainted of Felony for taking bribes, and his Lands and Goods forfeited; as appears in the Pleas of Parliament, *18 Ed. 1.* and he was banished the Kingdom as unworthy to live in that State, against which he had so much offended.

Sir *William Thorpe* Chief Justice of the Kings Bench, in *E. 3.* time, having of five persons received five several bribes, which in all amounted to 100 pounds; was for this alone, adjudged to be hanged, and all his Lands and Goods forfeited, the reason of this Judgment is entred in the Roll of these words.

*Quia predict. Willielmus Thorpe, qui sacramentum Domini Regis erga Populum suum habuit, ad custodiendum, fregit malitiose, false, & rebelliter quantum in ipso fuit; because that he, as much as in him lay, had broken the Kings Oath made unto the People, which the King had intrusted him withal.*

There is that notable Declaration in that Judgement; that is, that this Judgment was not to be drawn into example, against any other Officers who should break their Oaths, but only against those *Qui predictum sacrum fecerunt, & fregerunt & habent leges Angliae ad custodiendum*, that is, only to the Judges Oaths, who have the Laws intrusted to them.

This judgment was given *24 Ed. 3.* the next year in the Parliament *25 Ed. 3.* it was debated in Parliament, whether this judgment was legal; & *nullo contradicente*, it was declared to be just, and according to the Law: And that the same judgment may be given in time to come upon the like occasion. This case is in point, that it's death for any Judge wittingly to break his Oath, or any part of it.

This Oath of *Thorpe* is entered in the Roll, and is the same *verbatim* with the Judges Oath, in *18 Ed. 3.* and the same which the Judges now take.

Your Lordships will give me leave to observe the differences between that and the case in question.

First, that of *Thorpe* was only a selling of the Law by retail to those five persons, for he had only five several bribes of those five persons; the passage of the Law to the rest of the Subjects, for ought appears, was free and open.

But these Opinions are a conveyance of the Law by whole sale, and that not to, but from the Subject.

In that of *Thorpe*, as to those five Persons, it was not an absolute denial of Justice, it was not a damning up, but a straitning only of the Channel.

For whereas the Judge ought *Judicium reddere*, that is, the Law being the Birth-right and Inheritance of the Subject, the Judge when the Parties in Suit demand judgment should *redare*, freely restore this right unto them; now he doth not dare but *vendere* with the hazard only of perverting justice; for the party that buys the judgment may have a good and honest cause.

But these Opinions besides that they have cost the Subjects very dear, dearer than any; nay I think I may truly say, then all the unjust judgments that ever yet hath been given.

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Witness the many hundred thousand pounds which under colour of them have been levied upon the Subject, amounting to seven hundred thousand pounds and upwards in money paid unto the Treasurer of the Navy; besides what the Subjects have been forced to pay to Sheriffs, Bayliffs, and others, which altogether as is conceived amounts not to much less than a Million: besides the infinite vexation of the Subject by Suits in Law, binding them over to attendance at the Council-board, taking of them from their necessary employments in making of Assesses, and Collections, and imprisonments of their persons.

I say my Lords, besides what is past to make our miseries compleat, they have as much as in them lies made them endless; for by these Opinions they have put upon themselves and their Successors an impossibility of ever doing us right again, and an incapacity upon us of demanding it so long as they continue.

My Lords, in that fore Famine in the Land of *Ægypt*, when the Inhabitants were reduced to the next door to death; for there they say, *Why should we dye for bread?* First they gave their money, next their flocks and Cattel; and last of all, their persons and their Lands, for bread, and all became *Pharaoh's*; but by this *Rex Regia*, there is a transaction made, not onely of our persons but of our bread likewise, wherewith our persons should be sustained. That was for bread, this is of our bread. For my Lords, since these opinions (if we have any thing at all) we are not at all beholding to the Law for it, but are wholly cast upon the Mercy and Goodness of the King.

Again, there the *Ægyptians* themselves sold themselves and all they had to the King; if ours had been so done, if it had been done by our own free consent in Parliament, we had the less cause to complain; but it was done against our wills, and by those who were trusted, and that upon Oath; with the preservation of those things for us.

My Lords, the Laws are our Forts and Bulwarks of defence, if the Captain of a Castle, only through fear and cowardise, and not from any complience with the Enemy, surrender it; this is Treason as was adjudged in the Parliament, 1 *Rich.* 2. in the two cases of *Grymes* and *Weston*, and in the case of the Lord *Gray* for surrendring of *Berwick* Castle to the *Scots* in *Edw.* 3. time, though good defence have been made by him, and that he lost his eldest Son in maintenance of the Siege; and yet the loss of a Castle looseth not a Kingdom only, but the place and adjacent parts, without trouble to the whole.

But by these Opinions there is a Surrender made of all Legal defence of propriety, that which hath been Preached is now judged that there is no *meum & tuum* between the King and the People, besides that which concerns our persons.

My Lords, the Law, it is the Temple, the Sanctuary whither the Subject is to run for shelter and refuge: hereby it is become *templum sine numine* as was the Temple built by the Roman Emperour who after he had built it, put no goods into it.

We have the letter of the Law still, but not the sense.

We have the Fabrick of the Temple still, but the Goddesses, the *Dii-Tutelaes* are gone.

But my Lords this is not all the case (that is) that the Law now ceaseth to aid and defend us in our rights, for then possession alone were a good title, if there were no law to take it away, *occupanti concederetur & melior esset possidentis conditio*. But this (though too bad) is not the worst; for besides that which is privative in these Opinions, there is somewhat positive: For now the Law doth not only not defend us, but the law it self is made the instrument of taking all away.

For whensoever his Majesty, or his Successors shall be pleased to say that the good and safety of the Kingdom is concerned, and that the whole Kingdom is in danger: then when and how the same is to be prevented, makes our persons and all we have liable to bare will and pleasure.

By this means the Sanctuary is turned into a shambles, the Forts are not slighted, that so they might neither do us good or hurt: but they are held against us by those who ought to have held them for us, and the mouth of our own Cannon is turned upon our selves.

My Lords,

In these expressions, there is no reflexion upon his Majesty. It is only that those  
Judges



Judges would have forced upon the Law an unnatural and contrary motion, his Majesties carriage in the business clears his Justice.

The first Opinion of the Judges under their hands, was procured by my L. *Finches* sollicitation only, and by him brought to his Majesty. These Opinions procured the letters from his Majesty for the Opinions enrolled, wherein, as likewise in the case in the Chequer, the Judges were left free, as was acknowledged by two of the Judges in the Chequer Chamber, who argued against those Opinions, with this protestation: That if there were any miscarriages in that business, it must fall wholly upon themselves, that the King was blameless.

My Lords, we know his Majesties Justice is the fairest, the richest Diamond in his Crown, the dust which these men would have blown and forc'd upon it, it's falln short, and with your Lordships helping hands, it will, we hope, be cast upon their own faces, a fitter place for it then the other.

My Lords, the Oaths of the Judges, as they bind them to the true administration of Justice to the Subjects according to the Laws, so as they be of the Kings Council, by their Oaths, they are bound lawfully to Counsel him, that is, when their opinions are demanded, they are to deliver them according to the Law.

I shall therefore put your Lordships in mind of the memorable proceedings against these Judges who have broken this part of their Oath in that notable Parliament, held the eleventh of *Richard* the Second.

In this Parliament, judgment of High-Treason was given against 18 several Persons, and all (save one of them) of eminent rank, three Privy Counsellors, the Archbishop of *York*, the Duke of *Ireland*, and Earl of *Suffolk*, the Bishop of *Exeter*, the Kings Confessor, Five Knights, some whereof had been Servants to *Edward* the third, and all save one, Servants to the then King, and some of them of noble Descent, six Judges, *Lockton* the Kings Serjeant at Law, *Blake* of the Kings Council at Law, and *Uske* the under Sheriff of *Middlesex*: of these Eighteen Eight were Executed, (that is) Sir *Robert Tresilian* the Chief Justice, five Knights, *Blake* of the Kings Council at Law, and *Uske* the under-Sheriff, three, that is, the Archbishop of *York*, Duke of *Ireland*, and Earl of *Suffolk* fled.

The rest had their lives pardoned, but were banished; their Lands and Goods forfeited, and little pensions allowed them during their Lives: It was made Felony for any one to procure their pardons, and they to be dealt withal as Traitors, if they returned from their banishment: and of those Eighteen persons all save three were impeached by the Commons.

The offences which procured these exemplary punishments, although their proceedings be long, and comprehended all that was done in this Parliament, I'll briefly open them to your Lordships. During the minority of that King by ill Counsel of some near his Person, there were miscarriages in Government. In the tenth year of his Reign, and the twentieth of his Age, a Parliament was holden, in that Parliament, in aid of good Government, and of due execution of the Laws, a Commission was awarded to 12 several Peers, and others of greatest Wisdom and Fidelity; the Commissioners had power in all things concerning the Household, Court of Justice, and the Revenues: In a word, in all things concerning the good of the Realm, with full power finally to determine and put in execution, for the honour of the King, the better governance of the Peace, and Laws of the Realm, and relief of the People.

This Commission was to endure one year; at the years end the King would be of full Age.

My Lords, the endeavouring to overthrow this Commission, issued by authority of Parliament, for the welfare of the Realm, upon pretence that it trenched upon the Royal power, tended to the disherison of the King, and derogation of the Crown, together with the destruction of the Commissioners who procured it, and put the same in execution, upon pretence that they and some others had in Parliament forced the Royal assent.

My Lords, the conspiring to overthrow this Commission, and the procurers of it, is the case in brief: for although there be divers other Articles against many of them, yet this was the ground-work of all, and this singly and alone is declared in all the proceedings in that Parliament to be Treason. Of these 18 persons Condemned, five of them were Plotters (*viz.*) the Archbishop, Duke of *Ireland*, Earl of *Suffolk*, *Tresilian* the Chief Justice, and Sir *Nicholas Bramber*, these insinuated



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into the King, that this Commission was in diminution of his Kingly power, that the procurers of it had extorted his Royal assent, and that this was Treason: whereupon *Blake*, one of the Kings Counsel at Law, was advised withal, who declared his opinion, that it was Treason; he was commanded to prepare an Indictment of Treason against the Commissioners, and some of the procurers of it, who had been active therein.

The Indictment was drawn by him, which is entred in the Roll, and is to this effect.

That they had Traiterously conspired amongst themselves in the Parliament, to make this Commission by authority of Parliament, against the Regality of the King to his Dishonour and Derogation of the Crown, that they compelled the Kings consent, and that they confederated and bound themselves to maintain one another in so doing.

It was intended that they should be tried upon this Indictment in *Middlesex* or in *London*. *Uske* the Under-Sheriff of *Middlesex* was acquainted with the business, who was to prepare things for the effecting of this design, some of the parties to be indicted, not being Peers, which he performing accordingly, was therefore executed.

The five plotters, that the King might the more confide in their Counsels (for so are the words of the Record) and that under the colour of Law they might cover their malice from the King and the Kingdom, before the Tryal was to be had, they advise the King to demand the opinion of some of the Judges, that is, of the two Chief Justices, and Chief Baron, the Judges of the Common Pleas, six in number, and of *Lockton* the Kings Serjeant: *Blake* of the Kings Counsel at Law was commanded to draw up these questions for the Judges Opinions who did it accordingly.

For the drawing up of these questions, and the Indictment, *Blake* was condemned and executed.

The question being drawn into writing, the Judges were sent for to *Nottingham* Castle, where, in the Kings presence, they were commanded upon their allegiance to deliver their Opinions.

1 The first question was, Whether the Commission was in derogation of the Crown? they answered that it was.

2 The second question was, whether the perswading and urging the Kings consent in Parliament thereto was Treason? they answered, that it was. Though there were some other questions asked, all concerning Parliamentary proceedings, yet these were the main, and those for which they were condemned, as appears by the Replication of the Commons to the Judges Answer, and by the words of the Judgment (*viz.*) that they knew that this Commission was awarded in Parliament, that it was for the publick good, that they knew of the Trayterous intents to destroy the Procurors of this Commission, that they knew the Law, and that it was not Treason, and had delivered their Opinions, thereby, under colour of Law, to cover their Treasonable intent, and therefore Judgment of Treason was given against them, and against *Lockton* the Kings Serjeant at Law, who had subscribed the Opinions with the Judges.

Sir *Simon Burley*, one of the Five Knights that were Executed, was Condemned only for conspiring the death of the procurers of this Commission, and although there be other Articles against the rest, yet this alone is adjudged Treason in the several judgments against every one of the Eighteen.

1. My Lords, it is observable in all these Judgments, that they are adjudged Traytors, as well against the Person of the King, as against the Commonwealth.

Secondly, it is there declared, upon great advice taken, that in Treasons which concern the King and Kingdom, they are not bound to proceed according to the Rules of the Common Law, and inferiour Courts, but according to the course of Parliaments, so as may be for the common good.

Thirdly, Judgement was given in Parliament, and Execution awarded, and afterwards a Bill of Confirmation passed, in respect of their Lands, to give them from a day past, and for declaration that this should be no president to inferiour Courts to adjudge the same cases Treason, save only in Parliament.

These



These Judgments were not hudled up in haste, but they were given upon long and mature deliberation, these Judgments were the whole work of that Parliament, and the proceedings against the five Plotters, were begun the fourteenth of *Novem.* and the judgments were not given till the thirteenth of *Feb.* following, which was a quarter of a year : And is declared in the Roll, that they spent a long time, and took great pains to examine the Evidences, the better thereby to satisfy their own Consciences and the World.

I insist the more upon this, to take away all blemish from these proceedings.

It is true my Lords, these Judgments were afterwards in the Parliament of 21 *R.* 2. revoked and made void.

But my Lords, that Parliament of 21 *Ric.* 2. of Revocation, was held by force, as it is declared in the Parliament Rolls of 1 *Hen.* 4. *Nov.* 21. & 22. that it was held *viris armatis, & sagittariis immensis.*

The Knights of Parliament were not elected by the Commons, *pro meos exigit, sed per Regiam voluntatem* : and so the Lords, *summoniri fecit Rex Dominos sibi adherentes.*

My Lords, by these proceedings it doth appear, that this Parliament of revocation was no free Parliament, if at all it deserve the name of a Parliament ; but to put all out of doubt, the Parliament of 1 *Hen.* 4. *No.* 48. these judgments of revocation are declared to be *iniqua, & omni juri & rationi repugnantia* ; erroneous, wicked, and contrary to all right and reason ; and in the Parliament of 1 *Hen.* 4. in print these Attainders are confirmed : so that these Judgments of Attainder have the authority of two acts of Parliament both of them of force at this day.

Your Lordships will give me leave to observe the differences and agreements between the offences of those, and of the present Judges, and as well in the way and manner of procurement, as in the matter of them : for the manner of procurement, those Judges in *Ric.* 2. time were in the Kings presence, and as it is in the Parliament Roll of 1 *Hen.* 4. *Nov.* 18. they were *violenter attracti*, violently drawn to deliver their opinions, and that *metu mortis & cruciatibus corporis*, for the fear of death and tortures of their bodies ; and at their Tryals severally, they say, that in part violence had been offered to their persons ; because they had differed in the delivery of their Opinions. My Lords, this was such a miscarriage in the Judges, these circumstances considered, as might *cadere in virum fortem & constantem*, but my Lords, fear or cowardize is no plea for delivering up of the Forts and Bulwarks of the Kingdom.

But in the present business, there is none of all this, it came from within, there is no outward force : In those of *Ric.* 2. it was *Actus unicus*, once done at *Nottingham* Castle ; if the Judges had been put to it the second time, perhaps the rest as well as some of them had repented, and would not have done it over again ; for *Belknappe*, the Chief Justice of the Common Pleas, the same day declared his sorrow, and said, that now there remained nothing but a Horse, a Hurdle and a Halter ; and *Fulthorp* another of them the next day declared his grief, for what he had done. But hereafter the opinion in *Nov.* 1635. a year after, *viz.* 1636. they proceed *à pessimo ad pejus pessimo*, for that was with additions, most of them declared their Opinions in their Circuits, and a year after confirmed it again by the Indictment in the Exchequer, here it was done year after year in cold blood : one murtherous blow, whereupon death follows, is felony, but to multiply wounds upon the dead body, and to come again in cool blood to do it, shews the height of malice. In these two things they agree : 1. That which the Judges did in *Richard* the seconds time, they did it against their own knowledge, they knew the Commission was done by Act of Parliament ; so here they knew the *Petition of Right* damn'd the Commissions of Loans, a stronger Case then that they subscribed ; many of them, knew that the Commission of Excise was damn'd in Parliament, they knew the other proceedings in Parliaments, and if they had forgotten them, they were afterwards put in mind of them, they needed not to have consulted with Books and Journals of Parliaments, saving only with their own memories.

2. They agree in this, That their Opinions tended to the subversion of the Laws and Statutes of the Kingdom ; for in that of *Rich.* 2. the offence was the endeavouring to overthrow Parliaments, and Parliamentary Proceedings, the conspiracy of the death of the procurers was only an aggravation. It was not



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Treason to conspire the death of a Privy Councillour, or to kill a Judge, unless he be upon the Bench, and in that case it is Treason, because of the malice, not of the person, but to the Law; so that there the Treason lay in this, not that they conspired barely against their persons, but with reference to their proceedings in Parliament, and thereby to overthrow the Acts of Parliament, wherein these persons had been principal Actors. But in this again they disagree, for in that case there was not only a conspiracy, no death followed to the Procurers of the Commission, nor was the Commission overthrown; all that was done, was onely this, that a Warrant was directed to the Lord Major of London, for apprehending their persons to bring them to Trial, which yet was not done. But here (after the Opinions delivered) Judgment was afterwards given by them in the *Exchequer*, and Execution awarded thereupon; for so much as concerns our Property.

And likewise in the *Kings-Bench*, where the Judges after the Judgments in the *Exchequer*, refused to hear any more debate of the matter; and so for the liberty of our persons by keeping divers of the Subjects in Prison, Term after Term, for not paying Ship-Money, and other things depending upon those Opinions, when they had been brought before them upon their *Habeas Corpus*.

4. In that of *Rich. 2.* it was for overthrowing but of one Act of Parliament, which was likewise introductive of a new Law, for the Commission had no rise from the Common Law, for in truth it was derogatory to the Crown: It had onely the strength of the Parliament to support it, which was sufficient, it was for the common good.

But here the endeavour was at once not to blow up one Act of Parliament, but all; and these not introductive, but declaratory of the Common Law, as was the *Petition of Right*, the Statutes there mentioned, and the Resolutions.

That of *Rich. 2.* was but the blowing up of the upper Deck, this of the Common Law, and the Statutes too, and the old foundations and the structures built upon them all together.

In that of *Ric. 2.* it was only to overthrow a Temporary Act of Parliament, that was to continue no longer then one year; but this to make an eternal devastation (for *toties quoties*) to the Worlds end, as his Majesty or his Successors shall say, that the Kingdom is in danger, may these Opinions be put in execution: and likewise they are enrolled in all the Courts of *Westminster-Hall* in *perpetuam rei memoriam*.

The Sin against the Holy Ghost is therefore unpardonable, because it takes from the party repentance, the means of pardon; to put us therefore into a Case of desperation, some of them have publikely and upon the Bench declared, That this Prerogative is so inherent in the Crown, as that it cannot be taken away by Act of Parliament.

As they have put an impossibility upon themselves, so would they put an impossibility upon his Majesty, your Lordships and the whole Parliament, for ever righting us again.

My Lords, *contra juxta se posita magis elucescunt*, I have presented your Lordships with the obliquity of the ill Judges in *Rich. 2.* time, give me leave to present your Lordships with one Example of a contrary nature. And that was in Queen *Elizabeths* time, in the 29. year of her Majesties Reign: She erects a new Office in the *Common-Pleas*, for the making of *Supersedeas* on *Exigents* that issued there, she grants it to *Richard Cavendish*, her Servant; sends to have him admitted; but the Judges delay the doing of it for this reason, because the Prothonotaries and Phillizers claimed the making of those Writs: The *Queen* sends a sharp Letter, and commands them forthwith to admit him, yet the Judges forbear: the *Queen* sends a sharper Letter, commanding them to shew the Reasons of their Contempt, and disobedience to the then Lord Keeper and the Earl of *Leicester*, no mean men in those dayes; the Judges deliver their Reasons why they had refused, and it was because others claimed the making of those Writs.

The *Queen* sends a fourth peremptory Message for their admitting him with this Reason, that if the others were put out, they were rich and able men, and that her Courts of Justice were open where they might demand their Rights.

This was not to take away the Right, but to put them to their Action.



The Judges humbly returned this Answer, that the *Queen* had taken her Oath for the due execution of Justice, according to the Law; that they did not doubt, but that when her Majesty was inform'd, that it was against Law, she would do what befitted her; for their parts, they had taken an Oath to God, to her, and the Common-wealth, and if they should do it without process of Law before them, and only upon her command, put the other out of possession, though the right remained to them, it were a breach of their Oaths, and therefore if the fear of God were not sufficient, they told her the punishment that was inflicted, upon their predecessors for breach of their Oaths: (citing those of *Thorpe* of *Ric.* 2 time) that they might be sufficient warning to them: the *Queen* hearing of these Reasons was satisfied, and the Judges heard no more of the business.

These Judges have had examples of both kinds before them, they might have chosen the good and refused the bad.

My Lords,

Besides these Judgments and Opinions, the Commons will in due time bring up these Judges with their other Judgments, *Corpora cum causis*, for your Lordships will easily conceive that they who have done this have done more; the principal of them, I mean my Lord Keeper, stands accused before your Lordships of high Treason: He is not here, Justice goes *pede lento, sed certo*, it will overtake him at the last.

The next step that is making after him, are the Articles of his Impeachment, which with your Lordships patience are now ready to be opened and delivered to your Lordships.

A Petition of Mr. *William Jenkin*, and *Tho. Brown* against *Sam. Utie* D. D. Parson of *Chigwel* in *Essex* was read, and the Doctor ordered to be sent for by the Serjeant. As also the Petition of the Parishioners of *St. Leonards Foster-Lane* against Mr. *William Ward*, who was likewise ordered to be sent for, and the Petitions referred to the Committee for Preaching Ministers.

One *Overton* a Printer, who had mis-printed an Order of the House, was brought to the Barr, and receiving a Reproof from the *Speaker*, upon his Submission was discharged.

It was moved in the House of Lords, that his Majesty may be Requested, That for the future this Clause, *quam diu se bene gesserint* may be inserted into the Patents for the Judges, and not *durante bene placito*; And the Earl Marshal, Lord Chamberlain, Earl of *Bath*, Earl of *Essex*, Earl of *Warwick*, Earl of *Manchester*, Earl of *Bristol*, Earl of *Holland*, Bishop of *Durham*, Bishop of *Lincoln*, Lord *Wharton*, Lord *Paget*, Lord *Brook*, Lord *Howard de Charleton*, Lord *Roberts*, Lord *Savil*, Lord *Conventry*, were ordered to meet at the House to morrow at 8. of the clock, and then to go together to wait on his Majesty in this affair.

An Order was made, That all other Committees shall fall during the Pleasure of the House, Except these following, which were to continue, viz. The Committee for the Earl of *Strafford*; For the Archbishop of *Canterbury* and the Canons; For the Lord Keeper and the Judges; For Priviledges; For Secretary *Windebank* and Recusants; For the Bishop of *Bath* and *Wells*; For the Bishop of *Ely*; The Committee of 24. for the General Remonstrance; For the Kings Army and the Northern Parts; For the Star-Chamber, and this Committee to have power to consider of the Undue Proceedings of the Council Table; For Ship-Money; For frequent Holding Parliaments; The Five Grand Committees, viz. for Religion, Trade, *Irish* Affairs, Grievances, and Courts of Justice; That for Religion, to have Power to take into Consideration the Ecclesiastical Courts, and the Government of the Church as it is now Exercised.

This day *Henry Pierpoint de Holm Pierpoint* was introduced into the

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This remains under the hands of *Anderson* the Lord Chief Justice in a Book of his Reports.

Friday,  
Jan. 8.  
Petitions.

Saturday,  
Jan. 9.

A request from the Lords to the King, about the Judges.

Tuesday,  
Jan. 12.  
Order what Committees shall stand.

Lord *Pierpoint* introduced.



1640.

Wednesday Jan.  
13.Sir Edw. Deering's  
Speech about the  
Kentish Petition.

the House of Lords with the Usual Ceremony, and placed next above the Lord *Brudnel*; his Writ of Summons bears Date 11 Jan. 16 Car. Regis.

This day the House was for the most part taken up with the Debate about raising Money, and for a present advance; the Soldiers daily running away from their Colours for want of pay; and it was moved, That the Customers should advance 60000 l. upon the Credit of the Customs for that Service, but it seems they were unwilling, and so it did not proceed.

This day a Petition was presented by Sir *Edward Deering*, who at the delivery of it, prefaced it thus:

Mr. Speaker,

**Y**esterday we did regulate the most important business before us, and gave them motion, so that our weighty affairs are now on their feet in their progress, journeying on towards their several periods, where some, I hope, will shortly find their latest home.

Yet among all these I observe one, a very main one, to sleep sine die: give me leave to awaken it; it is a business of an immense weight and worth; such as deserves our best care and most severe circumspection; I mean the grand Petition, long since given in by many thousand Citizens against the domineering of the Clergy.

Wherein (for my part) although I cannot approve of all that is presented unto you, yet I clearly do profess, that a great part of it, nay the greatest part thereof, is so well grounded, that my heart goes cheerfully along therewith.

It seems that my Country (for which I have the honour to serve) is of the same mind, and least that you should think that all faults are included within the Walls of Troy, they will shew you.

*Iliacos intra muros peccatur & extra.*

The same grievances which the City groans under, are provincial unto us, and I much fear they are national among us all.

The Pride, the Avarice, the Ambition and Oppression by our ill ruling Clergy is Epidemical, it hath infected them all. There is not any, or scarce any of them, who is not practical in their own great cause in hand, which they impiously do miscall, the piety of the times, but in truth, so wrong a Piety, that I am bold to say,

*In facinus jurasse putes.*——

Here, in this Petition, is the Disease represented, here is the Cure intreated.

The number of your Petitioners is considerable, being above five and twenty hundred names, and would have been four times as many, if that were thought material.

The matter in the Petition is of high import: but your Petitioners themselves are all of them quiet and silent at their own Houses, humbly expecting and praying the resolution of this great Senate, upon these their earnest and their hearty desires.

Here is no noise, no numbers at our door: they will be neither your trouble nor your jealousy; for I do not know of any one of them this day in the Town: So much they do affie in the justice of their petition, and in the goodness of this House.

If now you want any of them here to make avowance of their Petition, I am their servant. I do appear for them and my self, and am ready to avow this Petition, in their Names, and in my own.

Nothing doubting, but fully confident, that I may justly say of the present usage of the Hierarchy in the Church of England, as once the Pope (Pope Adrian as I remember) said of the Clergy in his time: *A vertice capitis ad plantam pedis, nihil est sanum in toto ordine ecclesiastico.*

I beseech you read the Petition, regard us, and relieve us.

The



The Petition it self speaks thus:

To the Honourable the Commons House of Parliament.

The humble Petition of many the Inhabitants within His Majesties County of Kent.

Most humbly shewing,

**T**hat by sad experience we do daily find the government in the Church of England, by Archbishops, Lord bishops, Deans, and Archdeacons, with their Courts, Jurisdictions, and Administrations by them and their inferior Officers, to be very dangerous, both to Church and Common-wealth, and to be the occasion of manifold greivances unto his Majesties Subjects, in their Consciences, Liberties, and Estates, and likely to be fatal unto us in the continuance thereof. The dangerous effects of which Lordly power in them, have appeared in these particulars following.

1. They do with a hard hand over-rule all other Ministers, subjecting them to their cruel Authority.
2. They do suspend, punish, and deprive many godly, religious, and painful Ministers, upon slight and upon no grounds: whilst in the mean time, few of them do preach the Word of God themselves, and that but seldome. But they do restrain the painful preaching of others, both for Lectures, and for afternoon Sermons on the Sabbath day.
3. They do countenance, and have of late encouraged Papists, Priests, and Arminian, both Books and Persons.
4. They hinder good and godly books to be printed: yet they do licence to be published, many Popish, Arminian, and other dangerous tenents,
5. They have deformed our Churches, with Popish pictures, and suited them with Romish Altars.
6. They have of late extolled and commended much the Church of Rome, denying the Pope to be Antichrist: affirming the Church of Rome to be a true Church in fundamentals.
7. They have practised and inforced antiquated and obsolete Ceremonies, as standing at the Hymns, at Gloria patri, and turning to the East at several parts of the Divine Service, bowing to the Altar, which they tearm the place of Gods residence upon Earth: the reading of a second Service at the Altar, and denying the holy Sacrament of the Eucharist to such as have not come up to a new set Rail before the Altar.
8. They have made and contrived illegal Canons and Constitutions, and framed a most pernicious and desperate Oath: an Oath of covenant and confederacy for their own Hierarchical greatness, beside many other dangerous and pernicious passages in the said Canons.
9. They do dispencc with plurality of Benefices: they do both prohibit and grant Marriages, neither of them by the Rule of Law or Conscience, but do prohibit that they may grant, and grant that they may have money.
10. They have procured licentious liberty for the Lords day, but have pressed the strict observation of Saints Holidais, and do punish, suspend, degrade, deprive godly Ministers for not publishing a Book for liberty of sports on the Sabbath day.
11. They do generally abuse the great ordinance of Excommunication, making sometimes a gain of it, to the great discomfort of many poor soules, who for want of money can get no absolution.
12. They claim their Office and Jurisdiction to be jure divino, and do exercise the same (contrary to Law) in their own Names, and under their own Seales.
13. They receive and take upon them Temporal Honours, Dignities, Places and Offices in the Common-wealth, as if it were lawful for them to use both Swords.
14. They take cognisance in their Courts and elsewhere of matters determinable at the Common-Law.
15. They put Ministers upon Parishes, without the Patron, and without the Peoples consent.
16. They do yearly impose Oaths upon Church-wardens, to the most apparent danger of filling the Land with perjury.
17. They do exercise Oaths ex officio, in the nature of an Inquisition, even into the thoughts of men.
18. They have apprehended men by Pursivants, without citation or missives first sent: they break up mens houses and studies, taking away what they please.
19. They



1640.

19. They do owe the Judges of the Land with their greatness, to the inhibiting of prohibitions, and hindring of Habeas Corpus when it is due.

20. They are strongly suspected to be confederate with the Roman party in this Land, and with them to be Authors, Contrivers, or Consenters to the present commotions in the North, and the rather, because of contribution by the Clergy, and by the Papists in the last year, 1639. and because of an ill named benevolence of six Subsidies granted or intended to be granted this present year 1640, thereby, and with these monies to engage (as much as in them lay) the two Nations into blood.

It is therefore humbly and earnestly prayed, that this Hierarchical power may be totally abrogated, if the wisdom of this Honourable House shall find that it cannot be maintained by Gods Word, and to his Glory.

And we your Petitioners shall ever pray, &c.

Now what Sir Edward's Second thoughts were of this, you shall hear from himself, as he has delivered it in his Vindication of himself against the Root and Branch Men :

*This indeed (saith he) if it were not a Spawn of the London Petition, yet finding it a Parrot taught to speak the syllables of that, and by roat to call for Root and Branch, I dealt with the Presenters thereof, and with other Parties thereunto, until, with their consent, I reduced it to less than a quarter of its former length, and taught it a new and more modest language.*

According to an Order of the House yesterday, Mr. Arthur Goodwin carried up the Articles and Impeachment of the Lord Keeper Finch to the House of Lords, where they were read as followeth.

*The Accusation and Impeachment of John Lord Finch, Baron of Fordwich, Lord Keeper of the Great Seal of England by the House of Commons.*

*Imprimis.* **T**Hat the said John Lord Finch, Baron of Fordwich, Lord Keeper, &c. Hath Traiterously and wickedly, endeavoured to subvert the Fundamental Laws and Established Government of the Realm of England, and instead thereof, to introduce an Arbitrary Tyrannical Government against Law, which he hath declared by Trayterous and wicked words, counsels, opinions, judgments practices and actions.

## I I.

That in pursuance of those his Trayterous and wicked purposes, he did in the third and fourth year of His Majesties reign, or one of them, being then Speaker of the Commons House of Parliament, contrary to the Commands of the House then assembled and sitting, deny and hinder the reading of some things which the said House of Commons required to be read for the safety of the King and Kingdom, and preservation of the Religion of this Realm; and did forbid all the Members of the House to speak, and said, that if any did offer to speak, he would rise and go away, and said nothing should be then done in the House, and did offer to rise and go away, and did thereby and otherwise, in as much as in him lay, endeavour to subvert the antient and undoubted rights and course of Parliaments.

## I I I.

That he being of his Majesties Council at the Justice seat held for the County of Essex, in the month of October, in the tenth year of his now Majesties Reign, at Stratford Langton in the same County being then of his Majesties Council, in that Service did practise by unlawful means, to enlarge the Forrest of that County, many Miles beyond the known bounds thereof, as they had been enjoyed near 300 years, contrary to the Law, and to the Charter of the liberties of the Forest; and other Charters, and divers Acts of Parliament: and for effecting the same, did unlawfully cause and procure undue returns to be made of Jurors, and great numbers

Thursday, Jan.  
14.

Articles of Impeachment against Lord Keeper Finch, Jan. 14. 1640.

vide the relation of this taken out of the Kings Declaration in the passage, Dec. 5. 1640.



bers of other persons who were unsworn, to be joined to them of the Jury, and threatned and awed the said Jurors to give a Verdict for the King, and by unlawful means did surprize the County, that they might not make Defence, and did use several menacing wicked Speeches and Actions, to the Jury and others, for obtaining his unjust purpose aforesaid, and after a Verdict obtained for the King in the Month of *April* following (at which time the said Justice Seat was called by adjournment) the said *John Lord Finch* then Lord Chief Justice of his Majesties Court of Common-Pleas, and was one of the Judges assistants for them; he continued by further unlawful and unjust practices, to maintain and confirm the said verdict, and did then and there being assistant to the Justice in *Eyre*, advise the refusal of the traverse offered by the County, and all their evidences, but only what they should verbally deliver, which was refused accordingly.

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IV.

That he, about the Month of *November*, 1635. he being then Lord Chief Justice of the Common-Pleas, and having taken an Oath for the due administration of Justice to his Majesties Liege people, according to the Laws and Statutes of the Realm, contrived in opinion in *hac verba*, (when the good and safety, &c.) and did subscribe his name to that opinion, and by perswasions, threats, and false suggestions, did solícite, and procure Sir *John Bramstone* Knight, then and now Lord Chief Justice of *England*, Sir *Humphry Davenport* Knight, Lord Chief Baron of his Majesties Court of Exchequer, Sir *Richard Hutton* Knight, late one of the Justices of his Majesties Court of Common-Pleas, Sir *John Denham* Knight, late one of the Barons of his Majesties Court of Exchequer, Sir *William Jones* Knight, late one of the Justices of the said Court of Kings Bench, Sir *George Crook*, then and now one of the Judges of the said Court of Kings Bench, Sir *Thomas Trevor* Knight, then and now one of the Barons of the Exchequer, Sir *George Vernon* Knight, late one of the Justices of the said Court of Common-Pleas: Sir *Robert Barkley* Knight, then and now one of the Justices of the said Court of Kings-Bench, Sir *Francis Crawley* Knight, then and now one of the Justices of the said Court of Common-Pleas, Sir *Richard Weston* Knight, then and now one of the Barons of the said Court of Exchequer, some or one of them to subscribe, with their names the said opinion presently, and enjoyned them severally some or one of them secrecie upon their Allegiance.

V.

That he the fifth day of *June*, then being Lord Chief Justice of the said Court of Common-Pleas, subscribed an extrajudicial opinion in answer to questions in a letter from his Majesty, in *hac verba*, &c.

And that he contrived the said questions, and procured the said Letter from his Majesty; and whereas the said Justice *Hutton* and Justice *Crook* declared to him their opinions to the contrary; yet he required and pressed them to subscribe, upon his promise that he would let his Majesty know the truth of their opinions; notwithstanding such subscriptions, which nevertheless he did not make known to his Majesty, but delivered the same to his Majesty, as the opinion of all the Judges.

VI.

That he being Lord Chief Justice of the said Court of Common-Pleas, delivered his Opinion in the Chequer Chamber against Master *Hampden* in the case of Ship-money; that he the said Master *Hampden* upon the matter and substance of the case was chargeable with the money then in question: a Copy of which proceedings the Commons will deliver to your Lordships, and did solícite and threaten the said Judges some or one of them to deliver their Opinions in like manner against Master *Hampden*: and after the said Baron *Denham* had delivered his opinion for Master *Hampden*, the said Lord *Finch* repaired purposedly to the said Baron *Denham's* Chamber in Serjeants Inn in *Fleetstreet*, and after the said Master Baron *Denham* had declared and expressed his opinion, urged him to retract the said opinion, which he refusing, was threatned by the said Lord *Finch*, because he refused.

K k k k k

VII.



1640.

## VII.

That he then being Lord Chief Justice of the Court of Common-Pleas, declared and published in the Exchequer Chamber, and Western Circuit where he went Judge, that the Kings right to Ship-money, as aforesaid, was so inherent a right to the Crown, as an Act of Parliament could not take it away; and with divers malicious Speeches inveighed against, and threatned all such as refused to pay Ship-money; all which Opinions contained in the four, five, and sixth Articles, are against the Law of the Realm, the Subjects right of property, and contrary to former resolutions in Parliament, and to the Petition of Right: which said resolutions and Petition of Right, were well known to him, and resolved and enacted in Parliament, when he was Speaker of the Commons House of Parliament.

## VIII.

That he being Lord Chief Justice of the Court of Common-Pleas, did take the general practice of that Court to his private Chamber; and that he sent warrants into all or many Shires of *England* to several men, as to *Francis Giles* of the County of *Devon*, *Robert Benson* of the County of *York*, Attorneys of that Court, and to divers others, to release all persons arrested on any utlawry about 40 shillings fees, whereas none by Law so arrested, can be bailed or released without Superedeas under Seal or Reversal.

## IX.

That he being Lord Chief Justice of the Court of Common-Pleas, upon a pretended Suit begun in *Michaelmas* Term, in the 11 year of his Majesties Reign, although there was no plaint or Declaration against him, did notoriously and contrary to all Law and Justice, by threats, menaces, and imprisonment, compel *Thomas Laurence*, an Executor, to pay 19 pound 12 shillings, and likewise caused *Richard Bernard*, being only Over-seer of the last Will of that Testator, to be arrested for the payment of the said Money, contrary to the advice of the rest of the Judges of that Court, and against the known and ordinary course of Justice, and his said Oath and knowledge, and denied his Majesties Subjects the common and ordinary Justice of this Realm, as to Mr. *Limerick*, and others, and for his private benefit endammaged and ruined the estates of very many of his Majesties Subjects, contrary to his oath and knowledge.

## X.

That he being Lord Keeper of the Great Seal of *England*, and sworn one of his Majesties Privy Councel, did by false and malicious slanders labour to incense his Majesty against Parliaments, and did frame and advise the publishing the Declaration after the dissolution of the last Parliament.

All which Treasons and misdemeanors above mentioned, were done and committed by the said John Lord Finch Baron of *Fordwich*, Lord Keeper of the great Seal of *England*, and thereby he the aforesaid Finch hath Trayterously, and contrary to his Allegiance laboured to lay Imputations and Scandals upon his Majesties Government, and to alienate the hearts of his Majesties liege People from his Majesty, and to set a division between them, and to ruine and destroy his Majesties Realm of *England*, for which they do impeach him the said Lord Finch, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, of High Treason against our Sovereign Lord the King, his Crown and Dignity, of the misdemeanours above-mentioned. And the said Commons by Protestation, saving to themselves the liberty of exhibiting at any time hereafter, any other accusation or impeachment against the said Lord Finch, and also of replying to the answer, that the said John Lord Finch shall make unto the said Articles or to any of them, and of offering proof of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the case shall according to the course of Parliaments require, do pray, that the said John Lord Finch, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, may be put to answer



to all and every of the Premisses, and such Proceedings, Examinations, Tryals, and Judgments, as may be upon every of them, had and used, as is agreeable to Law and Justice.

1640.

After the Reading of the Articles, the Lord Falkland made a Speech in aggravation of his Crimes to this Effect :

My Lords;

**T**Hese Articles against my Lord Finch being read, I may be bold to apply that of the Poet, Nil refert tales versus qua voce legantur; and I doubt not but your Lordships must be of the same opinion, of which the House of Commons appears to have been, by the choice they have made of me, that the charge I have brought is such, as needs no assistance from the bringer, leaving not so much as the colour of a colour for any defence, including all possible evidence, and all possible aggravation (that addition alone excepted) which he alone could make, and hath made; I mean his Confession, Included in his flight.

Lord Falkland's Speech after the reading the Articles against the Lord Keeper Finch.  
Jan. 14. 1640.

Here are many and mighty Crimes, Crimes of Supererogation, (So that high Treason is but a part of his Charge) pursuing him fervently in every several condition, (being a silent Speaker, an unjust Judge, and an unconscionable Keeper.) That his life appears a perpetual Warfare, (by Mines, and by Battery, by Battel, and by Stratagem) against our fundamental Laws (which by his own confession) several Conquests had left untoucht, against the excellent constitution of this Kingdome, which hath made it appear unto Strangers rather an Idea, than a real Common-wealth, and produced the honour and happiness of this to be a wonder of every other Nation, and this with unfortunate success, that as he alwaies intended to make our Ruines a ground of his advancement; so his advancement the means of our further ruine.

After that, contrary to the further end of his place, and the end of that meeting in which he held his place, he had as it were gagg'd the Common-Wealth, taking away, (to his power) all power of Speech from that body, of which he ought to have been the Mouth, and which alone can perfectly represent the condition of the People, whom that only represent, which if he had not done, in all probability, what so grave and judicious an Assembly might have offered to the consideration of so gracious and just a Prince, had occasioned the redress of the grievances they then suffered, and prevented those which have since endured, according to the ancient Maxime of Odissi quos læseris: he pursued this offence towards the Parliament, by inveighing against the Members by scandalizing their proceedings, by trampling upon their Acts and Declarations, by usurping and devolving the right, by diminishing and abrogating the power, both of that and other Parliaments, and making them (as much as in him lay) both useless and odious to his Majesty and pursued his hatred to this fountain of Justice by corrupting the streams of it, the Laws; and perverting the Conduit Pipes, the Judges.

He practised the annihilating of Ancient, and Notorious perambulations of particular Forrests, the better to prepare himself to annihilate the Ancient, and Notorious perambulation of the whole Kingdome, the meetes and bounders between the Liberties of the Subject and Sovereigne power; he endeavoured to have all tenures in durante beneplacito, to bring all Law from his Majesties Courts, into his Majesties breast; he gave our goods to the King, our lands to the Deere, our liberties to his Sheriffes; so that there was no way by which we had not been oppressed, and destroyed, if the power of this Person had been equal with his Will: Or that the will of his Majesty had been equal to his power.

He not only by this means made us lyable to all the effect of an Invasion from within (and by destruction of our Liberties, which included the destruction of our propriety, which included the destruction of our Industry) made us lyable to the terriblest of all Invasions, that of want and poverty. So that if what he plotted had taken Root (and he made it, as sure as his Declaration could make it (what himself was not) Parliament prooffe) in this wealthy and happy Kingdome, there could have been left, no abundance but of grievances, and discontentment, no satisfaction but amongst the guilty. It is generally observed of the plague, that the infection of others, is an earnest, and constant desire of all that are seized by it: and as this designe resembles that disease, in the ruine, destruction, and desolation, it would have wrought, so it seems no less like it in this effect: he having so laboured to make others share in that guilt, that his solicitation, was not only his action, but his works, making use both of his Authority, his Interest, and Importunity, to

Kkkkk 2

perswade



1640

perswade; and in his Majesties Name (whose Piety is known to give that Excellent prerogative to his Person, that the Law gives to his Place, not to be able to do wrong) to threaten the rest of the Judges, to sign Opinions contrary to Law, to assign Answers contrary to their Opinions, to give Judgement which they ought not to have given, and to recant Judgement, when they had given as they ought, so that whosoever considers his care of, and concernment, both in the growth and in the immortality of this project, cannot but by the same way by which the wisest judgment found the true mother of the Child, discover him not only to have been the Fosterer, but the Father of this most pernicious and envious design.

I shall not need to observe, that this was plotted and pursued by an English man against England, (which increaseth the Crime in no less degree than parricide is beyond Murder) that this was done in the greatest matter joyned to the greatest Bond, being against the general liberty, and publick propriety, by a sworn Judge (and if that salt it self, because unsavory, the Gospel it self hath design'd whither it must be cast) that he poisoned our very Antidotes, and turned our Guard into a destruction, making Law the ground of illegalitie: that he used this Law not only against us, but against it self, making it, as I may say, Felo de se, making the pretence, (for I can scarce say, the appearance of it) so to contribute the utter ruine of it self.

I shall not need to say, that either this (or more can be) of the highest kind, and in the highest degree of Parliamentary Treason, a Treason which need not a computation of many several actions, which alone were not Treason, to prove a Treason altogether, and by that demonstration of the intention, to make that formality Treason which were materially but a misdemeanour, a Treason as well against the King, as against the Kingdom; for whatsoever is against the whole, is undoubtedly against the Head, which takes from his Majesty the ground of his Rule, the Laws, (for if foundations be destroyed, the Pinnacles are most endangered) which takes from his Majesty the principal honour of his Rule, the Ruling over Free-men, a power as much Nobler then over Villains, as that is that's over beasts) which endeavoured to take from his Majesty the principal support of his Rule, their hearts and affections over whom he rules (a better and surer strength and wall to the King, than the Sea is to the Kingdome) and by begetting a mutual distrust, and by that a mutual disaffection between them, to hazard the danger even of the destruction of both.

My Lords,

I shall the less need to press this, because, as it were unreasonable in any case to suspect your Justice, so here especially, where your interest so nearly unites you, your great share in possessions, giving you an equal concernment in propriety, the care and pains used by your Noble Ancestors in the founding and asserting of our Common Liberties, rendring the just defence of them, your most proper and peculiar inheritance, and both exciting to oppose and extirpate all such designs as did introduce, and would have settled an Arbitrary, that is, an intollerable form of Government, and have made even your Lordships and your posterity but Right Honourable Slaves.

My Lords,

I will spend no more words, *Luctando cum larva*, in accusing the Ghost of a departed Person, whom his Crimes accuse more than I can do; and his absence accuseth no less than his Crime. Neither will I excuse the length of what I have said, because I cannot add to an Excuse, without adding to the Fault, or my own imperfections, either in the matter or manner of it, which I know must appear the greater, by being compared with that learned Gentleman's great Ability, who hath preceded me at this time: I will only desire by the Command, and in the behalf of the House of Commons, that these proceedings against the Lord Finch, may be put in so speedy a way of dispatch, as in such cases the course of Parliament will allow.

These dayes were for the most part taken up in consideration how to raise Money for the Army till the Subsidy Money came in; and it was proposed by some to borrow 60000 l. of the City upon the Security of the Subsidies: by others, to raise that Sum by Loans from several Members of the House. The Scots Demands were also read.

Upon Monday a Petition of John Hewet and Mark Hewet and other Inhabitants of Rothersthorp in Northamptonshire, against Mr. Thomas Preston



ston their Vicar, was read, and he was ordered to be sent for up in Custody of the Serjeant at Arms.

The Earl Marshal and Lord Chamberlain Report to the House of Lords, That his Majesty was pleased graciously to condescend to have the Judges have the Clause *quam diu se bene gesserint* inserted into their Patents for the future.

Jan. 16. The Lord Privy Seal informs the House of a Paper which was lately delivered to his Majesty, which he commended to the Justice and Care of the House, the contents of the Paper were *in hæc verba*.

Decimo tertio Jan. 1640.

Edmond Chillendon, Nicholas Tyne, John Webb, Richard Sturges, Tho. Gunn, John Ellis, with at least Sixty persons more, were all taken on Sunday last in the Afternoon in the time of Divine Service, by the Constable and Churchwardens of St. Saviours, in the House of Richard Sturges, where they said they met to Teach and Edifie one another in Christ.

They being brought before Sir John Lenthal, he demanded why they would not go and resort to their Parish Church, according to the Law of the 35 Eliz.?

They answered,

1. That the Law of the 35 of Q. Elizabeth was not a true Law, for that it was made by the Bishops, and that they would not obey it.
2. That they would not go unto their Parish Churches, for that those Churches were not true Churches; that there was no true Church but where the Faithful met.
3. That the King could not make a perfect Law, for that he was not a perfect man.
4. That they ought not to obey him but in Civil things.
5. That some of them threatned the Church-wardens and Constables that they had not yet answered for this work.

Subscribed Jo. Lenthal.

Tho. Temple, }  
Tho. Butler, } Churchwardens.

Whereupon it was Ordered, That Sir John Lenthal do take care that the aforesaid persons shall be forth-coming, and appear before the House on Munday morning next, and likewise the Constables and Church-wardens, and whosoever else can testifie any thing in the business, to attend the same time here.

Upon this Occasion it was Ordered, That this Order following shall be read Publicquely in all the Parish Churches of London, Westminster, and the Burrough of Southwark and the Liberties.

**T**hat the Divine Service be performed, as it is appointed by the Acts of Parliament of this Realm; and that all such as shall disturb this wholsom Order, shall be severely punished according to Law, and that the Parsons, Vicars, and Curates in the several Parishes, shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise than those which are Established by the Laws of the Land.

His Majesty was Extreamply pleased with this Order, and Commanded the Lord Privy Seal, the Earl Marshal, and Lord Chamberlain, to give thanks to the House from his Majesty, for the Courie they had taken about

1640.

King con sents to the Lords request about the Judges.

Some Anabaptists referred to the Lords and their procedure about them.

The Opinions of their Anabaptists.

Order of the Lords for observing the Laws about Divine Service.

January 18. Monday, The King returns thanks for this Proceeding against the Sectaries.



1640.

These Consci-  
entious men  
will lye nota-  
bly.

Anabaptists  
admonished  
and discharg-  
ed.

about these Sectaries; which they did accordingly: but how little they deserved it from him, will soon appear.

For according to Order, this day the Anabaptists were brought to the House, and being severally called in, all of these Faithful true Church did like *Haward* and *Pool* deny the most material things which they were charged with; whereupon Sir *John Lenthall* and the other Witnesses were sworn, and did Justifie what they had subscribed upon Oath. Upon which the House did Order, *That the said Sectaries should receive for this time an Admonition from this House, and be enjoined hereafter to repair to their several Parish Churches to hear Divine Service, and give obedience thereunto according to the Acts of Parliament of this Realm: To that purpose, the Order was read to them of this House 16. Jan. And they were told, That if hereafter they should not observe their Commands, they should be severely punished according to the Law; and so they were discharged.*

Had there not been the greatest Partiality even to tenderness, these men had been made Exemplary with the utmost severity; for the Third and Fourth Articles of their Accusation amounted to the Subversion of the Government and all Laws, and were a direct denying of the King's Supremacy and Authority: notwithstanding which they were dismissed only with a gentle admonition, while many great Learned Pious and Reverend Men both Prelats and inferior Clergy were daily imprisoned and stigmatized as Popishly affected for a few innocent Rites and Ceremonies.

The Reader is here desired to observe the notable faculty of Lying with which these pretenders to Sanctity were indued, which stands upon Record against them, which will give him a great insight into the falshood of their accusations with which they vexed the Clergy, who were far more innocent and Righteous than themselves; and there is little doubt, but they who would venture for the saving of their skins to lie in the face of Heaven and that Honorable Assembly, would make no scruple to crush their Enemies and promote their own Interest and Religion, though with the most Notorious Calumnies and the falsest Accusations.

A Petition from the City of *Glocester*, of the same nature of the *London* and *Kentish* Petitions was read and referred to the Committee for the Bishop of *Ely*.

The Bail of several Prisoners in the Serjeants Custody was tendred for the approbation of the House; and it was Ordered,

That Dr. *Cosins* should be bailed upon 2000 l. Bail given by himself, and 1000 l. apiece for his Security to appear upon Summons.

Dr. *Utie* 2000 himself, 1000 l. his Security.

*John Gaven* upon ordinary Bail.

*Ralf Ewer* upon ordinary Bail.

Dr. *Layfield* 1000 l. himself, 500 l. his Security.

*Rowland Wilson* and *William Conrade*, 1000 l. their Security 500 l.

*Thomas Forth* 5000 l. his Security 2000 l.

Mr. *Fullham* 200 l. his Sureties 100 l.

Mr. *Anchetil* 1000 l. his Sureties 500 l.

Alderman *Abel* and Mr. *Rich. Kilvert* not to be admitted to Bail.

A Bill for Triennial Parliaments was read, and the Debate about it held the House till Four of the Clock, at the last it was ordered to be ingrossed.

Upon this Occasion the Lord *Digby* made this Ensuing Speech.

Mr.

Tuesday Jan.  
19. *Glocester*  
Petition.

Bail.

Bill for Tri-  
ennial Parlia-  
ments.



Mr. Speaker,

I 6 4 0.

**I** Rise not now with an intent to speak to the frame and structure of this Bill, nor much by way of answer, to objections that may be made; I hope there will be no occasion of that, but that we shall concur all unanimously in what concerneth all so Universally.

Only Sir, by way of preparation, to the end that we may not be discouraged in this great work by difficulties that may appear in the way of it, I shall deliver unto you my apprehensions in general of the vast importance and necessity that we should go thorow with it.

The Result of my sense is in short this: that unless for the frequent convening of *Parliaments* there be some such course settled, as may not be eluded; neither the People can be prosperous and secure, nor the King himself solidly happy, I take this to be the *Unum necessarium*: Let us procure this, and all our other desires will effect themselves: if this Bill miscarry, I shall have left me no publick hopes, and once past, I shall be freed of all publick fears.

The essentialness Sir of frequent *Parliaments* to the happiness of this Kingdom, might be inferr'd unto you by the reason of contraries, from the woful experience which former times have had of the mischievous effects of any long intermission of them.

But Mr. Speaker, why should we climb higher then the level we are on, or think further then our own Horizon, or have recourse for examples in this business, to any other promptuary then our own memories; nay then the experience almost of the youngest here?

The reflection backward on the distractions of former times upon intermission of *Parliament*, and the consideration forward of the mischiefs likely still to grow from the same cause if not removed, doubtlesly gave first life and being to those two dormant Statutes of *Edward* the third, for the yearly holding of *Parliament*: And shall not the fresh and bleeding experience in the present age of miseries from the same spring, not to be parrallel'd in any other, obtain a wakening, a resurrection for them?

The Intestine distempers Sir, of former ages upon the want of *Parliaments*, may appear to have had some other cooperative causes, as sometimes, unsuccessful Wars abroad; sometimes, the absence of the Prince; sometimes, Competitions of Titles to the Crown; sometimes, perhaps the vices of the King himself.

But let us but rightly weigh and consider the posture, the aspect of this state, both toward it self, and the rest of the World, the person of our Sovereign, and the nature of our suffering since the third of his Reign. And there can be no cause colourable inventible, whereunto to attribute them but the intermission, or which is worse, the undue frustration of *Parliaments*, by the unluckly use if not abuse of Prerogative in the dissolving them.

Take in your view Gentlemen, a State in a state of the greatest quiet and security that can be fancied, not only in joyning the calmest peace it self, but to improve and secure its happy condition, all the rest of the World at the same time in Tempest, in Combustions, in uncomposable Wars.

Take into your view Sir, a King Sovereign to three Kingdoms, by a Concentring of all the Royal lines in his Person, as undisputably as any Mathematical ones in *Euclide*. A King firm and knowing in his Religion, eminent in vertue; A King that had in his own time given all the Rights and Liberties of his Subjects a more clear and ample confirmation freely and graciously, then any of his Predecessors (when the People had them at advantage) extortedly, I mean in the *Petition of Right*.

This is one Mapp of *England*, Mr. Speaker, A man Sir, that should present unto you now, a Kingdom, groaning under that supream Law, which *Salus populi periclitata* would enact. The liberty, the property of the Subject fundamentally subverted, raviisht away by the violence of a pretended necessity; a triple Crown shaking with distempers; men of the best conscience ready to fly into the wilderness for Religion. Would not one swear that this were the Antipodes to the other; and yet let me tell you Mr. Speaker, this is a Mapp of *England* too, and both at the same time true.

The Lord Digby's Speech about Triennial Parliaments, Jan. 19. 1640.



1640.

As it cannot be denied, Mr. *Speaker*, that since the Conquest there hath not been in this Kingdom a fuller concurrence of all circumstances in the former Character, to have made a Kingdom happy, then for these 12. years last past; so it is most certain, that there hath not been in all that deduction of ages, such a Conspiracie, if one may so say of all the Elements of mischief then in the second Character, to bring a flourishing Kingdom, if it were possible, to swift ruine and desolation.

I will be bold to say, Mr. *Speaker*, and I thank God, we have so good a King, under whom we may speak boldly of the abuse by ill Ministers, without reflection upon his Person;

That an Accumulation of all the publick Grievances since *Magna Carta*, one upon another, unto that hour in which the *Petition of Right* past into an act of *Parliament*, would not amount to so oppressive; I am sure not to so destructive a height and magnitude to the rights and property of the Subject, as one branch of our beslaving since the *Petition of Right*.

The branch I mean, is the judgment concerning Ship money. This being a true representation of *England* in both aspects.

Let him, Mr. *Speaker*, that for the unmatched oppression and enthralling of free Subjects in a time of the best Kings Reign, and in memory of the best Laws enacted in favour of Subjects liberty, can find a truer Cause then the ruptures and intermission of *Parliaments*. Let him and him alone be against the settling of this inevitable way for the frequent holding of them.

'Tis true Sir, wicked Ministers have been the proximate causes of our miseries, but the want of *Parliaments* the primary, the efficient Cause.

Ill Ministers have made ill times, but that Sir, hath made ill Ministers.

I have read among the Laws of the *Athenians*, a form of recourse in their Oaths and Vows of greatest and most publick concernment of a three-fold Deity, *Supplicationum Exauditori, Turgatori, Malorum depulsi*.

I doubt not but we here assembled for the Common-wealth in this *Parliament*, shall meet with all these Attributes in our Sovereign.

I make no question but he will graciously hear our Supplications, purge away our Grievances, and expel Malefactors, that is, remove ill Ministers, and put good in their places.

No less can be expected from his wisdom and goodness.

But let me tell you Mr. *Speaker*, if we partake not of one Attribute more in him; if we address not our selves unto that, I mean *Bonorum Conservatori*; we can have no solid, no durable Comfort in all the rest.

Let his Majesty hear our Complaint never so Compassionately.

Let him purge away our Grievances never so efficaciously.

Let him punish and dispel ill Ministers never so exemplarily.

Let him make choice of good ones never so exactly.

If there be not a way settled to preserve and keep them good; the mischiefs and they will all grow again like *Sampsons Locks*, and pull down the House upon our heads. Believe it Mr. *Speaker*, they will.

It hath been a Maxime among the wisest Legislators, that whosoever means to settle good Laws, must proceed in them, with a sinister opinion of all Mankind; and suppose that whosoever is not wicked, it is for want only of the opportunity. It is that opportunity of being ill Mr. *Speaker*, that we must take away, if ever we mean to be happy, which can never be done, but by the frequency of *Parliaments*.

No State can wisely be confident of any publick Minister's continuing good, longer then the rod is over him.

Let me appeal to all those that were present in this House at the agitation of the *Petition of Right*. And let them tell themselves truly, of whose promotion to the management of Affairs do they think the generality would at that time have had better hopes then of Mr. *Noy*, and Sir *Thomas Wentworth*, both having been at that time, and in that business as I have heard, most keen and active Patriots, and the latter of them to the eternal aggravation of his Infamous treachery to the Common-wealth be it spoken, the first mover, and insister to have this clause added to the *Petition of Right*, that for the comfort and safety of his Subjects, his Majesty would be pleased to declare his Will and Pleasure, that all



all his Ministers should serve him according to the Laws and Statutes of the Realm.

1640.

And yet Mr. *Speaker*, to whom now can all the inundations upon our Liberties under pretence of Law, and the late Shipwrack at once of all our property, be attributed more then to *Noy*, and those and all other mischiefs whereby this Monarchy hath been brought almost to the brink of destruction, so much to any as to that Grand Apostate to the Common-wealth, the now Lieutenant of Ireland?

The first I hope *God* hath forgiven in the other World; and the latter must not hope to be pardoned in this, till he be dispatht to the other.

Let every man but consider those men as once they were.

The excellent Law for the security of the Subject enacted immediately before their coming to employment, in the contriving whereof themselves were principal Actors.

The goodness and vertue of the King they served, and yet the high and publick oppressions that in his time they have wrought! And surely there is no man but will conclude with me, that as the deficiency of *Parliaments* hath been the *Causa Causarum* of all the mischiefs and distempers of the present times: so the frequency of them is the sole Catholick Antidote that can preserve and secure the future from the like danger.

Mr. *Speaker*, let me yet draw my Discourse a little nearer to his Majesty himself, and tell you, that the frequency of *Parliament* is most essentially necessary to the power, the security, the glory of the King.

There are two ways, Mr. *Speaker*, of powerful Rule, either by Fear, or Love, but one of happy and safe Rule, that is, by Love, that *Firmissimum Imperium quo obediētes gaudent*.

To which Camillus advised the Romans. Let a Prince consider what it is that moves a People principally to affection, and dearness, towards their Sovereign. He shall see that there needs no other Artifice in it, then to let them enjoy unmolested, what belongs unto them of right: If that have been invaded and violated in any kind, whereby affections are alienated: the next consideration for a wise Prince that would be happy, is how to regain them: To which three things are equally necessary.

1. Re-instating them in their former Liberty.
2. Revenging them of the Authors of those violations.
3. And securing them from Apprehensions of the like again.

The first, (God be thanked,) we are in a good way of.

The second in warm pursuit of.

But the third, as essential as all the rest, till we be certain of a *Triennial Parliament*, at the least, I profess I can have but cold hopes of.

I beseech you then *Gentlemen*, since that security for the future is so necessary to that blessed union of affections, and this Bill so necessary to that security:

Let us not be so wanting to our selves; let us not be so wanting to our Sovereign, as to forbear to offer unto him, this powerful, this everlasting Philter, to Charm unto him the hearts of his people, whose vertue can never evaporate.

There is no man, Mr. *Speaker*, so secure of anothers Friendship, but will think frequent intercourse and access very requisite to the support, to the confirmation of it: Especially, if ill offices have been done between them; if the raising of jealousies hath been attempted. There is no Friend but would be impatient to be debarred from giving his friend succour and relief in his necessities.

Mr. *Speaker*, permit me the comparison of great things with little: what friendship, what union can there be so comfortable, so happy, as between a gracious Sovereign and his People? and what greater misfortune can there be to both, then for them to be kept from entercourse, from the means of clearing mis-understandings, from interchange of mutual benefits?

The People of *England*, Sir, cannot open their Ears, their Hearts, their Mouths, nor their Purfes, to his Majesty, but in *Parliament*.

We can neither hear Him, nor Complain, nor acknowledge, nor give, but there.

This Bill, Sir, is the sole Key that can open the way to a frequency of those reciprocal indearments, which must make and perpetuate the happiness of the King and Kingdom.



1641.

Let no man object any derogation from the Kings Prerogative by it. We do but present the Bill, 'tis to be made a Law by him, his Honour, his Power, will be as conspicuous, in commanding at once that a *Parliament* shall Assemble every third year, as in commanding a *Parliament* to be called this or that year: there is more of his Majesty in ordaining primary and universal Causes, then in the actuating particularly of subordinate Effects.

I doubt not but that glorious King *Edward* the third, when he made those Laws for the yearly calling of Parliaments, did it with a right sense of his Dignity and Honour: the truth is, the Kings of *England* are never in their Glory, in their Splendor, in their Majestick Sovereignty, but in Parliaments. Where is the power of imposing Taxes? where is the power of restoring from incapacities? where is the legislative Authority? marry in the King *Mr. Speaker*, but how? In the King circled in and invirtuated by his Parliament.

The King out of Parliament hath a limited Power, a circumscribed Jurisdiction, but waited on by his Parliament, no Monarch of the *East* is so absolute in dispelling Grievances.

*Mr. Speaker*, In chasing ill Ministers, we do but dissipate Clouds that may gather again, but in Voting this Bill, we shall contribute so much as in us lyes to the perpetuating our Sun our Sovereign in his Vertical, in his Noon day luster.

wednesday  
Jan. 20.

Upon a Complaint against Subscriptions in the University,  
Resolved upon the Question,

Subscription  
voted unlaw-  
ful.

*That the Statute made Twenty seven Tears since in the University of Cambridge, imposing upon Young Scholars a Subscription according to the 36 Canon of 1603. is against Law, and the Liberty of the Subjects, and ought not to be imposed upon any Students or Graduates whatsoever.*

The Lord *Digby* was ordered to carry up the Ingrossed Bills for Subsidies, and for preventing Inconveniences by the long intermission of Parliaments to the Lords; which he did accordingly.

Thursday,  
Jan 21.

This Day the House was upon the *Scots* Propositions, but came to no full conclusion, upon which Subject *Sir John Wray* spoke as followeth.

*Mr Speaker*,

Sr. John Wray's  
Speech about  
the Scots  
Treaty.  
Jan. 21. 1641.

**T**HERE is no malady more destructive to the natural, or politick body, than the mal Caduque, or falling sickness, nor is there any Physitian or Compound more to be esteemed than that which can cure it in either. *Mr. Speaker*, this unknown remedy, if we be wise to apply it, and take the receipt with all the ingredients, without any scruple of distast; I am confident the recovery will be perfect, and the whole Body of Great Britain safe and sound. *Mr. Speaker*, the happy Union of Scotland and England, hath thus long ever since flourished in interchangeable blessings of plenty, and mutual Love and Friendship. But of late by what fatal disasters, and dark underminings we are divided, and severed into Scottish and English Armies; let their well composed preambles speak for me, which I wish were printed as an excellent Embleme of brotherly love, that discovers who hath wounded us both, and how each should strive to help the other in distress, seeing their and our Religion and Laws lie both at the Stake together. Think of it what you will, (Noble Senate) their subsistence is ours, we Live or Die, Rise or Fall together. Let us then find out the Boutefaux of the Prelatical War, and make them to pay the shot for their labour, who no doubt, long for nothing more than that we should break with them, who worship but one God, and serve but one Master with us: Nor need we fear that they intend to dispossess the English of their Inheritance or Free-hold, being ready to withdraw their Forces upon reasonable terms, referring their demands of reparation for Losses, to the Justice and Courtesie of this House, which I assure my self will give both a bountiful, cheerful, and speedy supply in this case of necessity; for, *Bis dat, qui Cito dat*, is the best Motto, or motion at this time.

*Mr. Perd* Reports from the Committee for Monopolists, the Report is not Entred upon the Journal; but it was

Resolved



Resolved upon the Question,

*That Mr. William Sandys is within the Order of the House for Monopolists. He was Burges for Evesham in Com. Wigorn.*

The same Vote passed upon Sir John Jacob, who served for Rye, against Mr. Edward Windham Burges for Bridgwater in Com. Somerset, and Mr. Thomas Webb, who were thereupon Expelled the House, and Mr. Speaker to issue out Warrants to the Clerk of the Crown for Writs for new Elections of Members to serve in their places.

The Case of Mr. Anthony Danvers Gent. was Reported this day by the Lords Committees appointed by the Lords in Parliament to receive Petitions; the said Anthony Danvers in his Petition setting forth, *That he being of Kindred unto the Right Honourable the Lord Viscount Say and Seal, and thereby of Kindred to William of Wickham sometime Bishop of Winchester, and Founder of the Colledg near Winchester, and of New Colledg in Oxford, having offered his Son to be received into the Colledg near Winchester, according to the Priviledg of a Founder's Kinsman, by the space of Four Years at their Yearly Election, and being delayed and at last denied; it was Reported by the said Lords Committees, That they having sent for the two Wardens and the School-Master of Winchester Colledg, who are constantly Electors into the said Colledg of Vinton, upon Examination of the Case, and Submission of the two Wardens and the Consent of all Parties, it was Reported by the Lord Bishop of Lincoln, That a full Satisfaction should be given by the said Wardens unto Mr. Anthony Danvers for the Charges he had been put unto, and for the Damages he had received by the refusal of his Son, and not admitting him into the Colledg near Vinton, according to the Priviledg of a Founder's Kinsman, and according to the Founder's Statutes; and that at the next Election he should be admitted into the Colledg, and have some Convenient Maintenance in the mean time. And for the time to come, both the said Wardens did promise that the Founder's Kindred should be admitted without difficulty, according to the Statutes of both Colledges concerning the Admission of Founder's Kinsmen; and the Lord Bishop of Winchester for his part as Visitor of the two Colledges, did likewise promise that he would take care the same should be performed. And the Lords Committees did further deliver it as their Opinions, That a Memorial hereof should be Entred in the Journal Book of the Lords House of Parliament, if their Lordships should so think fit, to prevent the like Wrongs in time to come that might be offered to the Founder's Kinsmen; which was Ordered accordingly. And upon a Motion of the Lord Viscount Say and Seal, it was further Ordered by the House, That the Clerk of the Lords House should deliver Four Copies thereof, one to the Lord Viscount Say and Seal as Chief Founder's Kinsman, another to the Lord Bishop of Winchester, and one to each Colledg, viz. The Colledg near Winchester, and New Colledg in Oxon.*

This Day Mr. Preston Vicar of Rothersthorp was committed to the Gate-House for Scandalous Words spoken against the Parliament.

Mr. Rouse then Reported the Opinion of the Committee concerning Mr. Smart which is not Entred, but upon the whole it was Resolved upon the Question,

1. *That the several Proceedings of the High Commission Courts of York and Canterbury against Mr. Smart and the Fine imposed, are illegal, unjust, and ought not to bind.*

I 640.

Monopolists  
Expelled.

The Case of  
Winchester and  
New-Colledge  
in Oxon Re-  
ported.

Friday Jan. 22.  
Scandalous  
Words.

Resolves about  
Mr. Smart.



1640.

(2.) Resolved &amp;c.

*That the Degradation of Mr. Smart and his Deprivation from his Prebend, and other Ecclesiastical Livings, were unjust and illegal, and that he ought to be restored to them and to the Mean Profits.*

(3.) Resolved &amp;c.

*That Dr. Cofins and others the Prosecutors of Mr. Smart, ought to make him Satisfaction for his Damage sustained.*

(4) Resolved, &amp;c.

*That Dr. Cofins is guilty of bringing in Superstition and Innovations into the Church tending to Idolatry, and of speaking Scandalous, Scornful, and Malicious Words against his Majesties Supremacy, and the Religion Established.*

(5.) Resolved &amp;c.

*That Dr. Cofins is unworthy to be a Head or Governour in either of the Universities, or to hold and enjoy any Ecclesiastical Promotions.*

Saturday,  
Jan. 25.

Mr. Maynard Reports the Demands of the Scottish Commissioners; whereupon it was

Resolved upon the Question,

Scots Assistance voted.

*That this House thinks fit, That a Friendly Assistance and Relief should be given towards the Supply of the Losses and Necessities of the Scots, and that in due time this House will take Consideration of the Measure and Manner of it.*

It will certainly be the Wonder of Posterity, when they shall blush at this inglorious Procedure of their Ancestors, to see them treat invading Rebels at the Rate and with the Terms of friendship; and this certainly is a Demonstrative Testimony that it was rather an Invitation, than an Invasion, and that the Scots were if it could not have been accomplished by persuasion to have assisted the English Presbyterians by force to obtain their ends of the King; for had they been really sensible of the Charge and Infamy to which they did expose the Nation, they might without augmenting it by permitting them to quarter in England, have made them satisfaction for their Losses, and yet have obliged them to retire into their own Countrey, which if they had refused they might easily by force have compelled them to do. But the naked truth of the matter was, they were resolved to plunge the King into a Debt which they knew could no way be paid but by the help of a Parliament, and by his necessities to draw him into a compliance with their Designs of taking off *Strafford*, Extirpating Episcopacy, and perpetuating their own Authority, by Sitting till all these great Affairs and the multiplicity of work which they had cut out for themselves should receive a Period.

Informations  
about Sermons.

*Thomas Jones of Offwell in Com. Devon. sent for upon Information that he had Preached something of dangerous consequence, in a Sermon at Tiverton, July 21st. 1640.*

*Dr. Chaffin also sent for per Serjeant for a Sermon Preached in the Cathedral Church of Salisbury May 26. 1634.*

Thus did the zealous discontented Dissenters from the Church, early shew the temper of their persecuting spirits if they have either power or encouragement; and the last they did not want from the Presbyterian Party in the House of Commons, who were willing to amass up all they



they could that look'd like Criminal in the loyal Clergy, not only present but past for so many years. And they were fitted to some purpose with informers as the reader will in the perusal of the following Papers easily perceive.

Several Ministers did this Day in the behalf of themselves and many of their Brethren of the Church of *England*, Present a Petition to the House which was read, and the remonstrance which they brought along with it was Ordered to be read on *Monday*.

It was Ordered, That no more of the *Scots* Ministers thrust out there shall be preferred in *England* or *Ireland*; and to deface demolish and quite take away all Images Altars or Tables turned Altar-ways, Crucifixes, superstitious Pictures, Monuments and Reliques of Idolatry out of all Churches and Chappels.

His Majesty perceiving how heavily the wheels of affairs especially in reference to the *Scots* Treaty, were moved by reason of the multiplicity of Work which was cut out; and having notice that by the Bill which was on foot for Triennial Parliaments, there would be some dishonourable retrenchments of the Prerogative of his Crown; as also that there was a design totally to lay aside the Bishops, and take away their voices in Parliament as well as their Jurisdiction out of it, he therefore sent for the two Houses to attend him at the Banqueting House at *White-Hall*, where he made this following Speech.

My Lords and You,

**T**He Knights, Citizens, Burgeses; The principal cause of my coming here at this time, is by reason of the slow proceedings in Parliament, touching which is a great deal of inconvenience.

Therefore I think it very necessary to lay before you the State of my Affairs as now they stand, thereby to hasten (not interrupt) your proceedings.

First, I must remember you that there are two Armies in the Kingdome, in a manner maintained by you, the very naming of which, doth more cleerly shew the inconvenience thereof, then a better tongue then mine can express.

Therefore in the first place, I shall recommend unto you the quick dispatch of that business.

In the next place I must recommend unto you the State of my Navy and Forts; the condition of both which is so well known unto you, that I need not tell you the particulars, only thus much; they are the Walls and Defence of this Kingdome, which if out of order, all men may easily judge what encouragement it will be to our Enemies, what disheartning to our Friends.

Last of all, (and not of the least to be considered) I must lay before you the distractions that are at this present occasioned through the connivence of Parliament; for there are some Men that more maliciously than ignorantly, will put no difference between Reformation, and Alteration of Government.

Hence it cometh that divine Service is irreverently interrupted, and Petitions in an ill way given in, neither disputed nor denied. But I will enter into no more particulars, but shew you a way of remedy, by shewing you my cleer intentions, and some Rocks that may hinder this good work.

I shall willingly and cheerfully concur with you for the Reformation of all Innovations both in Church, and Common-wealth, and consequently that all Courts of Justice may be reformed according to Law. For my intentions is cleerly to reduce all things to the best and purest times as they were in the time of Queen Elizabeth.

Moreover,

1640.

Ministers Petition.

Order about Scots Ministers Altars &c.

Monday, Jan. 25.

The King's Speech to both Houses Jan. 25. 1640 in the Banqueting House.



1640.

Moreover, whatsoever part of my Revenue shall be found illegal or heavy to my Subjects, I shall be willing to lay down, trusting in their affections. Having thus cleerly and shortly set down my intentions, I will shew you some rubs, and must needs take notice of some very strange (I know not what term to give them) Petitions given in the name of divers Counties, against the established government of the Church, and of the great threatnings against the Bishops, that they will make them to be but Ciphers or at least their Voices to be taken away. Now I must tell you, I make a great difference between Reformation and Alteration of Government, though I am for the first I cannot give way to the later.

If some of them have incroached too much upon the Temporaltie (if it be so) I shall not be unwilling these things should be redressed and reformed, as all other abuses according to the wisdom of former times; so farr I shall go with you. Nay further,

If upon serious debate you shall shew that Bishops have some temporal Authority, inconvenient to the State, and not so necessary for the government of the Church, and upholding Episcopal Jurisdiction; I shall not be unwilling to desire them to lay it down, but this must not be understood, that I shall any way consent that their voices in Parliament should be taken away; for in all the times of my Predecessors since the Conquest, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamental Constitutions of this Kingdom.

There is one other Rock you are on, not in substance but in form; Tet the form is so essential, that unless it be reformed it will marr the substance.

There is a Bill lately put in concerning Parliaments. The thing I like well to have frequent Parliaments, but to give power to Sheriffs and Constables and I know not whom, to use my Authority, that I cannot yeild unto.

But to shew you that I desire to give you content in forms which destroy not the substance, you shall have a Bill for that purpose, so that it do not trench neither against my Honour, neither against the ancient Perogatives of the Crown concerning Parliaments, to which purpose I have commanded my learned Council to wait upon you my Lords, with such propositions as I hope will give you content; for I ingenuously confess, often Parliaments is the best means to keep a right understanding between Me and my People, which I do so much desire.

To conclude, I have shewn you, the State of my Affairs, My own clear intentions, and the Rocks I would have you to eschew; in all which you may perceive the desire I have to give you all content, as you shall likewise find by these Ministers, I have, or shall have, about me for the effecting of these my good intentions, which I doubt not will bring Peace and Happiness to my Subjects, and contentment to you all. Concerning the conference, you shall have a direct Answer, which shall give you satisfaction.

In the print which commonly went about besides abundance of misrepresentation of the Kings sence, I find two of the most material Paragraphs wholly omitted, the one concerning the Bishops, viz. Now I must tell you I make a great difference between Reformation and Alteration of Government; though I am for the first, I cannot give way to the later. The other concerning the Bill for Triennial Parliaments, by which it seems it was provided that if in three years the King did not cause Writs to be issued out for Elections, the High Sheriffs and other Officers were to be impowered to do it, upon which after having told them he could not permit that indignity to his Authority, this Paragraph following



following is wholly omitted, viz. To which purpose I have commanded my Learned Council to wait upon you my Lords, with such propositions as I hope will give you content. So early did these Artifts of Faction indeavour to misrepresent his Majesty to his People in his Resolutions and Gracious Intentions.

The House then fell upon the fix demands of the Scots about which there had been a Conference with the Lords, and Sir Benjamin Rudiard spoke to this effect.

Mr. Speaker,

**I**T will become us thankfully to acknowledge the Prudent and Painful endeavours of my Lords, the Peers, Commissioners, intreating with the Scots, in mediating with the King: whereby (God assisting) we are now probably drawing near to a blessed Peace.

Sr. Benjamin Rudiard's Speech about the Scots demands, Jan. 25. 1640.

His Majesty in his Wisdome and Goodness, is graciously pleased to give his Royal Assent to their Acts of Parliament, wherein their Articles of their Assembly are likewise included: Insomuch as their Religion, their Laws, their Liberties are ratified and established: Besides, their Grievances reliev'd, and redress'd; For which We use to give the King Money, and are still ready to do it. This (although it be a large) yet it is not received as a full satisfaction.

Besides, when They came into England, they published in a Remonstrance, That they would take nothing of the English, but what they would pay for, or give security. We have defrayed them hitherto, and are provided to do it longer.

They did well remember, that we assisted them in the time of their Reformation: And it is not to be forgotten; that we did bear our own Charges.

Concerning mutual Restitution of Ships, and Goods, My Lords the Commissioners have very fairly and discreetly accommodated that particular already.

As for inferential consequential dammages, such a Representation would but minister unacceptable matter of Difference and Contestation, which amongst Friends ought to be warily and wisely avoided.

We could alleadge and truly too, That Northumberland, New-Castle, and the Bishoprick, will not recover their former state these twenty years. We have heard it spoken here in this House, by an understanding knowing Member in the particular, that the Cole-Mines of New-Castle will not be set right again for one hundred thousand pounds; besides the over-price of Coles which all the while it hath, and will cost this City, and other parts of the Kingdom. A great deal more of this nature might be rehearsed; but I delight not to press such tenter-stretched Arguments. Let us on both sides rather thank God, by proceeding in the way he hath laid before us, and not wry his way to ours. Time and his Blessing will repair all our implicit Dammages, with many prosperous explicit advantages.

They say, that they do not make any formal demand; But they do make a Summ to appear, five hundred and fourteen thousand Pounds, more than ever we gave the King at once. A portentous Apparition! which shews it self in a very dry time, when the Kings Revenue is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished, by grievous Burthens, and disordered Courses: All this supply is to be drawn out of us only, without the least help from any of his Majesties other Dominions: which to my seeming will be an utter draining of the People; unless England be Puteus inexhaustus as the Popes were wont to call it.

Notwithstanding Sir, now that I have in part opened the State we are in, though nothing so exactly as they have done theirs: I shall most willingly and heartily affoord the Scots whatsoever is just, Equitable and Honourable, even to a convenient, considerable round summ of Money, towards their Losses and Expences, that we may go off with a friendly and handsome loss. If they reject it, we shall improve our Cause.

It was never yet thought Mr. Speaker, any great wisdom over-much to trust a successful Sword, A man that walks upon a rising ground, the further he goes, the larger in his Prospect. Success enlarges mens desires, extends their ambition, it breeds thoughts in them they never thought before; This is natural and usual.

But the Scots being truly touched with Religion, according to their profession, that only is able to make them keep their word: for Religion is stronger and wiser than Reason, or Reason of State.

Beyond



I 6 4 0.

Beyond all this, Mr. Speaker, the remarkable Trace of Gods wonderful Providence in this strange work, are so many, so apparent, as I cannot but hope almost to belief: That the same all-governing merciful hand, will conduct and lead us to a happy Conclusion, will contract a closer firmer union between the two Nations, than any meer humane Policy could ever have effected: with inestimable Benefits to both, in advancing the truth of Religion, in exalting the greatness of the King, in securing the Peace of his Kingdoms, against all Malicious, Envious, Ambitious opposites, to Religion, to the King, to his Kingdoms; wherein I presume, all our desires and prayers do meet.

Petition against Gawler Minister.

A Petition was presented from the Inhabitants of *Chisleborough* and *West-Chinock* in *Com. Somerset* complaining of *Tho. Gawler* their Rector, whereupon he was sent for in Custody of the Serjeant.

Mr. Hide Reports about Goodman the Priest &c. Jan. 25.

Mr. *Hide* reports from the Conference with the Lords the Kings Message about *Goodman* the Priest, and the Expulsion of the Priests and Jesuits, as follows,

*That the occasion of his Majesties taking knowledg of the Conviction of John Goodman the Priest lately reprimed, was upon the constant order that hath been taken for divers years, that the Recorder hath at the end of every Sessions attended his Majesty with the names of the persons convicted, with an expression of their offences, to the end that his Majesty might be truly informed of the Natures of their Crimes, and consequently not to be hindred by misinformation, to reprove such as were not fit for grace and mercy: And there finding that he the said Goodman was lately Condemned for being in order of a Priest meerly, and was acquitted of the Charge of Perverting the Kings People in their beleif, and had never been Condemned or Banished before, His Majesty is tender in matter of Blood in Cases of this Nature, In which Queen Elizabeth and King James have been often merciful: but to secure his people that this man shall do no more hurt, He is willing that he be imprisoned or banished as their Lordships shall advise. And if he return into the Kingdom, to be put to Execution without delay. And he will take such fit course for the expulsion of other Priests and Jesuits, as he shall be counselled unto by your Lordships, And that he doth not intend by this particular mercy, to lessen the force of the Laws.*

Tuesday Jan. 26.  
O Connor to be Tried.

It was Ordered, That the Examination of *O Connor* the Priest, whose Trial was respited, be delivered to the Committee who are to draw up the Charge against the Earl of *Strafford*, and then the Trial of the said *O Connor* to be proceeded in.

wednesday,  
Jan. 27.

The House fell upon the business of the Money collected among the Recufants for the King's Northern Expedition; and Sir *John Winter*, Mr. *Walter Mountague*, Sir *Kenelm Digby*, Sir *Basil Brook*, and Mr. *Henry Birket*, were ordered to attend the House.

Conference about Goodman the Priest.

The Conference between the Lords and Commons, concerning *Goodman* the Priest was reported in the Lords House.

The Commons appointed for the Conference cited divers Statutes which were in force against Priests and Jesuits, as 27 *Eliz.* cap. 1. which being not put in Execution were not only the Cause of withdrawing his Majesties Subjects from their due obedience, but also to stir up and move Sedition, and Rebellion, and often Hostilities within his Majesties Dominions, to the great endangering of the Safety of his Majesties Person, and to the utter overthrow of the whole Realm, if the same be not the sooner prevented: and further the said Statute sets forth, that every Priest and Jesuit being born within this Realm, or any other his Majesties Dominions so offending, shall for his offence be adjudged



adjudged a Traytor and to suffer, loose and forfeit as in case of High-Treason.

Then was Urged the Stat. of 1 Jac. c.4. which presseth the Execution of the former Statute against Priests and Jesuits, and another Statute of 30 Jac. which inviteth men to put those Statutes in force out of Hopes of Reward.

Then they offered Reasons why at this time Especially the Lawes against Priests and Jesuits should be put in Execution.

1. *General Complaints by Petitions from divers places of the Kingdom, of the great increase of Popery and Superstition.*
2. *The Multitude of Priests and Jesuits at this time in the Kingdom, especially about the City of London.*
3. *That 80 Priests have been lately delivered out of Prison, divers of which had been condemned for Treason.*
4. *The Popes Nuncio at this time in the Kingdom.*
5. *The Boldness of Papists in resorting to Mass openly to Denmark House, St. James's, and Ambassadors Chappels.*
6. *The not putting the Lawes in due Execution, is a principal Cause of the increase of Popery.*
7. *The Discontent of the City of London occasioned by the Reprieving this Priest, which appears in their averseness in not lending Money.*

For Remedy of these mischiefs, the Commons desired their Lordships to joyn with them to Petition his Majesty for Redressing of the said Grievances, by putting the Laws and Statutes against Priests and Jesuits in Execution.

This day Robert Rich, de Leeze Le Rich Chever was with the usual solemnity introduced into the Lords House and placed next above the Lord Wharton: his Writ of Summons bears Date Jan. 26. 1640.

Mr. Glyn Reports, *That the Lords concur with the Commons, and will represent it by their Speaker to his Majestie, both that Goodman the Priest may be Executed, and for putting the Laws in Execution against all other Priests and Jesuits.*

The great business of this Day was the further Impeachment of the Earl of Strafford.

Mr. Treasurer acquaints the House, *That it is his Majesties Pleasure that this House attend him in the Banqueting-House at White-Hall at Two of the Clock in the Afternoon, where the Lords will be present.* Where accordingly his Majesty met them, to whom the Lord Keeper Littleton delivered this following Remonstrance.

May it please your Majesty,

**Y**our loyal Subjects the Lords and Commons now Assembled by your Majesties Writ in the High Court of Parliament, humbly represent unto your gracious Consideration, that Jesuits and Priests ordained by Authority from the See of Rome, remaining in this Realm by a Statute made in the 21 year of Queen Elizabeth are declared Traytors and to suffer as Traytors.

*That this Law is not so rigorous as some apprehend or would have others to believe, for that it is restrained to the natural born Subjects only, and doth not extend to any Strangers at all.*

*That it is enacted in the first year of King James, That all Statutes made in the time of Queen Elizabeth against Priests and Jesuits, be put in Execution, and for a further assurance of the due Execution of these Laws, the Statute of the third year of King James*

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invites

1640.

Lord Rich introduced into the House of Lords.

Mr. Glyns Report of Lords answer about Goodman &c.

Thursday Jan. 28.

Friday Jan. 29

The Remonstrance of the two Houses delivered by the Lord Keeper about Goodman, &c. Jan. 29. 1640.



1640.

invites men to the discovery of the offenders by rewarding them with a considerable part of the Forfeiture of the Recusants Estate.

So that the Statute of Queen Elizabeth is not only approved, but by the judgment of several Parliaments in the time of King James of happy memory adjudged fit and necessary to be put in execution.

That considering the state and condition of this present time, they conceive this Law to be more necessary to be put in strict execution, then at any time before, and that for divers weighty and considerable reasons, viz. For that by divers Petitions from the several parts of this Kingdom, complaints are made of the great increase of Popery and Superstition, and the people call earnestly to have the Laws against Recusants put in execution; Priests and Jesuits swarm in great abundance in this Kingdom, and appear here with such boldness, and confidence, as if there were no Laws against them.

That it appears unto the House of Commons by proof, that of late years about the City of London Priests and Jesuits have been discharged out of Prison, many of them being condemned of High Treason.

They are credibly informed that at this present the Pope hath a Nuncio, or Agent resident in the City, and they have a just cause to believe the same to be true.

The Papists, as publickly, and with as much confidence and importunity resort to Mass at Denmark house, and St. James, and the Ambassadors Chappels, as others do to their Parish Churches: They conceive the not putting of these Statutes in execution against Priests and Jesuits, is a principal cause of increase of Popery.

That the putting of these Laws in execution, tendeth not only to the preservation and advancement of the true Religion established in this Kingdom; but also the safety of your Majesties person, and security of the State and Government, which were the principal causes of the making of the Laws against Priests and Jesuits, as is manifestly declared in the preamble of the Laws themselves, which are the best interpreters of the minds of the makers of them.

And because the words being penned by the advice and wisdom of the whole state, are much more full and clear then any particular mans expression can be, they were therefore read, as they are vouched, those of the 27 year of Queen Elizabeth, being thus, viz.

That the Priests and Jesuits come hither, not only to draw the Subjects from their true obedience to the Queen, but also to stir up Sedition, Rebellion, and open hostility within the Realm; to the great endangering of the safety of her Royal Person, and to the utter ruin, desolation, and overthrow of the whole Kingdom, if not timely prevented. And the tenor of the words of the third year of King James are in this manner, viz.

Whereas divers Jesuits and Priests do withdraw many of his Majesties Subjects from the true service of Almighty God, and the Religion established within this Realm, to the Romish Religion, and from their loyal obedience to his Majesty; and have of late secretly perswaded divers Recusants, and Papists, and encouraged and imboldned them to commit most damnable Treasons tending to the overthrow of the whole State and Commonwealth; if God of his goodness and mercy had not within few hours of the intended time of the execution thereof, revealed and disclosed the same.

The Houses did further inform, that some Jesuits and Priests had been executed in the time of Queen Elizabeth, and King James of happy memory; and when any of them have received mercy, it was in such time, and upon such circumstance, as that the same might be extended unto them without dangers, whereas now of late, there hath been a great apprehension of endeavours by some ill agents, to subvert Religion; and at this present both Kingdoms have a general expectation of a thorough Reformation.

And there is already found so ill a Consequence of the late reprieve of John Goodman the Priest, that the House of Commons having sent to the Citizens of London, for their assistance in the advancement of Money, for the present and necessary supply of his Majesties Army, and relief of the Northern Counties; upon this occasion they have absolutely denied to furnish the same: and how far the like discontents may be diffused into other parts of the Kingdom, to the interruption of the levying the Subsidies, the Houses leave to your Majesties consideration. It is found that Goodman the Priest hath been twice formerly committed and discharged; that his residence now about London, was in absolute contempt of your Majesties Proclamation as the Houses are credibly informed, that he hath been sometimes a Minister in the Church of England, and consequently is an apostate, and both Houses are very sensible that no person should presume to intercede with your Majesty in a Case of so high a Nature.

They



They humbly desire, that a speedy course may be taken for the due Execution of the Laws against the Priests and Jesuits, that all mischiefs beforementioned may be timely remedied by your Majesties great Wisdome.

And lastly, that Goodman the Priest be left to the Justice of the Law.

Sir John Winter and Sir Basil Brook were this Day Examined about the Money Collected among the Recusants by way of Benevolence, for the assistance of his Majesty in the Northern Expedition; Anno 1639. of which take the Account of these following Papers.

Henrietta Maria. R.

**W**E have so good a belief of the loyalty and affection of his Majesties Catholick Subjects, as we doubt not but upon this occasion, that hath called his Majesty into the Northern parts, for the defence of his Honour and Dominions, they will express themselves so affected, as we have always represented them to his Majesty. So in this common consent, which hath appeared in the Nobility, Judges, Gentry, and others, to forward his Majesties service by their persons and states, We have made no difficulty to answer for the same correspondency in his Catholick Subjects, as Catholicks: Notwithstanding they all have already concurred to this his Majesties Service, according to the qualities whereof they are, when others of the same quality were called upon. For We believe that it became us, who have been so often interested in the solicitation of their benefits, to shew our selves now in the perswasion of their gratitudes. Therefore having already by his Majesty by other means recommended to them this earnest desire of ours, to assist and serve his Majesty by some considerable Sum of money, freely and cheerfully presented: We have thought fit (to the end that this our desire may be the more publick, and the more authorized) hereby to give you Commission and direction, to distribute Copies under your hand of this testification thereof, unto those that have met in London by our direction, about this business, and unto the several Collectors of every County. And as we presume the Sum they will raise will not be unworthy our presenting to the King; so shall we be very sensible of it, as a particular respect to our selves, and will endeavour in the most efficacious manner we can, to improve the merit of it, and to remove any apprehension of prejudice, that any (who shall employ themselves towards the success of this business) may conceive; by this they may be assured, that we will secure them from all such objected inconveniences. And we are very confident, that this our first recommendation will be so complied withall; as may not only afford us particular satisfaction; but also, facilitation towards their own advantages.

Given under our Signet at White-Hall this 17 of April, 1639.

Sir Kenelm Digby, and Master Mountague's Letter, concerning the Contribution.

**I**T is sufficient already known to every one the extraordinary Graces and Protections we owe the Queens Majesty, to whose favourable intercession we must ascribe the happy moderation we live under: So as we doubt not, but an occasion of the expression of our gratitudes, will joyfully be embraced by every body, which the present Estate of his Majesties affairs, doth now offer us. We have already by our former Letters, endeavoured to prepare you to a cheerful assistance of his Majesty, in his declared Journey to the Northern parts, for the securing of his Kingdom, and such other purposes as his Royal wisdome shall resolve of: That so you may really demonstrate your selves as good subjects, as God and nature requires of you. Now her Majesty hath been graciously pleased to recommend unto us the expressions of our duties, and zeal to his Majestie's service, by some considerable gift from the Catholicks. And to remove all scruples (that even well affected persons may meet with) she undertakes to secure us, and all that shall employ themselves in this business, from any inconvenience that may be suspected;

M m m m m 2

by

1640.

Saturday Ja. 30.  
Winter and  
Brook examin-  
ed about Mo-  
ney gathered  
by Recusants.

The Queens  
letter about  
raising money  
for the Nor-  
thern expedi-  
tion.



1640.

by their or our forwardness and declaration in this kind. It will easily appear to every body how much it imports us, in our sense of his Majesties desires to press every body to strain himself even to his best abilities in this Proposition, since by it we shall certainly preserve her graciousness to us, and give good characters of our devotion to the King and State; of whose benignity we have all reason to give testimonies, and to endeavour to produce arguments for the preservation and encrease of it.

Now for the best expedition of this business (which is the chief circumstance that importeth in it) we have thought fit to recommend it to your nominations of such persons, as shall in your opinions be agreed for the ablest and best disposed in every severall County, not only to sollicite, but to collect such voluntary contributions, as every bodies conscience and duty shall proffer: And we shall desire you to give us an account of what acceptation this finds, which we cannot but expect very successful, and answerable to the forwardness we meet with here about London, for which we shall offer up our prayer to God.

W. Mountagne.  
Kc. Digby.

The Copy of the Letter sent by those Assembled in  
LONDON to every Shire.

**T**He inclosed Advices and motives being so ample, as you will perceive by perusing them, it will not be needful that we enlarge our selves upon any particulars concerning the conduct of the business, which they direct the way in. This therefore serveth only to convey them to you, (as we are entreated by those that have met here, and have undertaken to do) and desire you to repair immediately unto those persons to whom they be directed, and to deliver the same unto them in the name of all the Noble-men and Gentry (together with our selves) assembled here at London by the Queens commandment to set forward this work. And we pray you assure them in the most efficacious manner you can (ingaging all our credits for the trust thereof) that it is the sence of us all both Ecclesiastical and Lay persons, that besides the discharging of their and our duties to God and the King, it mainly importeth the good of Catholicks to have their business take good success. Therefore intreat them to deal actively and efficaciously and speedily according to these advices and motives. We are so well persuaded of their devotion to put forward so pious a work, that we doubt not but they will be as well satisfied in the needfulness of the thing, and be as ready to employ themselves in it, receiving the assurance thereof, and persuasions thereunto, only from our hands, as if they came by all the most formal ways that can be imagined; which, in a business of this nature, cannot be expected. And although the Advices and motives be directed only to Lay-Gentlemen, yet we desire you, (and have answered for you) that you will employ your selves, and all those that depend on you, sincerely to sollicite and dispose all their minds that you have relation unto, as powerfully as you can, to contribute cheerfully and bountifully upon this occasion; which is the first that ever we laboured in of this kind, so we hope in God it will be the last: There being no probability of so pressing and urgent a necessity to occur any more.

London, April, 1639.

Yours, &c.

The Names of the Collectors for gathering the Recusants Money.

Bedfordshire.

**M**aster Church, Sir Robert Charnock, Mr. Robert Hew-  
et.

Barkshire.

Mr. Anthony Inglefield, Mr. Tirrell.

Buckinghamshire.

Mr. Robert Dormer, Sir Edward Manfield, Mr. Throgmorton,  
Mr. Bringhurst.

Cambridge-



|                       |                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Cambridgeshire.       | Mr. Hen. Huddleston, Mr. Charles Paryes, Mr. Barker.                                                                              |
| Cheshire.             | Mr. Bidulph of Bidulph, Sir William Mafley, Mr. William Stanley, Mr. James Pool.                                                  |
| Cornwall.             | Mr. Victor, Mr. Burlacey, Mr. Trevilion.                                                                                          |
| Cumberland.           | Sir Fran. Howard, Mr. Joseph Porter.                                                                                              |
| Darbyshire.           | Sir Francis Willoughby, Mr. Aery of Hassop, Mr. Pool of Spinckill.                                                                |
| Devonshire.           | Sir Edward Carey, Mr. Berry, Mr. Anthony Gifford, Dr. Chichester.                                                                 |
| Dorsetshire.          | Mr. George Penny the elder, Mr. George Arundel, Mr. Web of Lanford, Mr. Wells of Purbeck.                                         |
| Durham.               | Sir Ralph Conniers, Mr. George Collingwood, Mr. Edward Smith.                                                                     |
| Essex.                | Mr. William Peters, Mr. Thomas Wright, Mr. Richard White.                                                                         |
| Glocestershire.       | Sir John Winter, Mr. Wakeman, Mr. Benedict Hall, Mr. Atkinson.                                                                    |
| Hertfordshire.        |                                                                                                                                   |
| Huntingtonshire.      | Mr. Price of Washingley, Sir Thomas Shirley, Mr. Thomas Cotton.                                                                   |
| Herefordshire.        | Mr. William Bodenhum, Sir John Wigmore, Mr. William Moor of Burrop, Mr. John Harp.                                                |
| Hampshire.            | Mr. John Arundel, Mr. George Penny the younger, Mr. William Owen.                                                                 |
| Kent.                 | Mr. Benjamin Wyborn, Mr. Clement Finch, Mr. Pettit.                                                                               |
| Lancashire.           | Mr. Bradshaw, Sir Cecil Crayford, Sir William Gerard, Mr. Molineaux of the Wood, Mr. Townley of Townley, Anderton of Loftock.     |
| Lecestershire.        | Sir Francis Englefield, Mr. Golding.                                                                                              |
| Lincolnshire.         | Mr. Anthony Mounson, Sir John Thymbleby, Mr. Robert Constable.                                                                    |
| London and Middlesex. | Mr. Cape, Mr. Thomas Rox, Mr. Becket, Mr. Richard Be-<br>tham, Mr. Edward Harp, Mr. Morgan, Mr. John Chapper-<br>ley, Dr. Kirton. |
| Norfolk.              | Mr. Everard, Mr. Charles Walgrave, Sir Hen. Beddingfield,<br>Mr. William Palton.                                                  |
| Northamptonshire.     | Sir William Saunders, Mr. John Poulton.                                                                                           |
| Nottinghamshire.      | Mr. Thomas Smith the elder, Mr. Thomas Smith the younger.                                                                         |
| Northumberland.       | Sir William Fenwick, Mr. Haggerston, Mr. Withrington, Sir<br>Edward Ratliff.                                                      |
| Oxfordshire.          | Sir Rich. Farmer of Kiddington, Mr. Will. Stone, Mr. Ralph<br>Sheldon.                                                            |
| Rutlandshire.         | Mr. Nicholas Cripps, Mr. William Andrews, Mr. Alcock, Mr.<br>James Digby.                                                         |
| Shropshire.           | Sir Basil Brook, Mr. Plowden, Mr. John Harrington.                                                                                |
| Somersetshire.        | Mr. Raino, Mr. John Ewnis the elder.                                                                                              |
| Staffordshire.        | Mr. Brook of Lapley, Mr. Stamford of Perry Hall, Mr. Philip<br>Draycot.                                                           |
| Surrey.               | Mr. Edw. Cotton, Sir Rich. Weston.                                                                                                |
| Sussex.               | Sir John Shelley, Sir John Carrol.                                                                                                |
| Suffolf.              | Sir Francis Monnock, Sir Roger Martin, Sir Edward Sylyard, Mr.<br>Tho. Beddingfield of Bedingfield.                               |
| Warwickshire.         | Mr. Anthony Dormer, Mr. Thomas Morgan, Mr. William<br>Sheldon, Mr. Rich. Middlemore.                                              |
| Wiltshire.            | Mr. William Arundel, the Lord Baltimore, Mr. Edward Stil-<br>ling.                                                                |
| Worcestershire.       | Mr. William Abingdon, Mr. William Sheldon.                                                                                        |
| Westmerland.          | Mr. Anthony Ducket, Mr. John Leyborne, Mr. Fleming.                                                                               |

Yorkshire.



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Yorkshire. *East Riding.* The Lord Dunbar, *Mr. Brigham, Mr. Longdall.*  
*West Riding.* Baronet Vavafor, Baronet Gascoigne, *Mr. Thomas*  
*Waterton, Mr. Philip Hungate.*  
*North Riding.* *Mr. Craythorn the younger, the Lord Fairfax, Mr.*  
*Anthony Mennel, Mr. Laurence Sate.*  
 Isle of Wight.  
 Anglesey.  
 Brecknock. *Mr. Winter, Mr. Bevan, Mr. Maddock.*  
 Carnarvon. *Mr. Lewis.*  
 Caermarden. *Mr. Towley.*  
 Cardigan. *Mr. Lewis.*  
 Glamorgan. *Mr. Turberville the younger.*  
 Denbigh. *Mr. Richard Floyd, Mr. Crew.*  
 Flintshire. *Sir John Connoway, Mr. Pennat.*  
 Monmouth. *Sir Charles Sommerfet, Mr. Morgan of Lantarnam, Mr. Morgan*  
*of Itton.*  
 Montgomery. *Sir Piercy Herbert.*  
 Merioneth.  
 Pembrookshire. *Mr. Towley of Arnostill.*  
 Radnordshire. *Mr. Thomas Crowther.*

Petition  
against Dove,  
Clerk.

The Inhabitants of the Town of *Paliswick* in *Essex* Petition against *Mr. Thomas Dove*, was ordered to be read on *Monday*, and referred then, as also *Chigwell* Petition to the Committee for Scandalous Ministers.

Honors of  
Peers not  
alienable.

Upon a Debate in the House of Lords concerning a Power of conveying away of Honour, it was Resolved upon the Question *Nemine Contradicente*,

*That no person that hath any Honor in him and a Peer of this Realm, may alien and transfer the Honor to any other Person.*

Resolved upon the Question *Nemine Contradicente*,

*That no Peer of this Realm can drown or Extinguish his Honor (but that it descend to his Descendents) neither by Surrender, Grant, Fine, nor any other Conveyance to the King.*

Order about  
the Judges to  
be Examined  
in the *L. Finch*  
his Case.

It was this day Ordered by the Lords, *That such Judges as the House of Commons shall desire, are to be Examined in the Case of the L. Finch by the same deputed Lords as were appointed in the Earl of Strafford's Case, but the Judges are not to be Examined upon any thing to accuse themselves.*

Monday, Feb. 1.  
Organs.

A Complaint having been made against *Sir Nath. Brent, Sir John Lamb*, and *Dr. Roane*, for laying a Tax upon the Inhabitants of the Town of *Wadsworth* in *Com. Bucks*, for setting up an Organ and the maintenance of an Organist, it was Voted to be contrary to Law; and they were ordered to be summoned to appear to answer it.

Ministers  
Remonstrance  
Read.

Then the Ministers Remonstrance, that part of it which concerns the Government in the Church, was read, upon which this smart *Repartee* passed between *Mr. Grimston*, and the Learned *Mr. Selden*, who was of the Opinion, That it was not in the Power of that House to meddle with Religion, without the particular leave of his Majesty.

A smart Re-  
partee between  
*Mr. Selden* and  
*Mr. Grimston*,  
about Church  
Government.

*Mr. Grimston's* Argument was,

*That Bishops are Jure Divino, is a Question.*

*That Archbishops are not Jure Divino, is out of Question.*

*Now that Bishops which are questioned whether Jure Divino, or Arch-Bishops which out of Question are not Jure Divino, should suspend Ministers that are Jure Divino, I leave to you Mr. Speaker.* To



To which Mr. Selden answered,

*That the Convocation is Jure Divino, is a Question,  
That Parliaments are not Jure Divino, is out of Question.  
That Religion is Jure Divino, there is no Question.*

*Now Mr. Speaker, that the Convocation which is Questionable whether Jure Divino, and Parliaments which out of Question are not Jure Divino, should meddle with Religion which questionless is Jure Divino, I leave to you Mr. Speaker.*

To which Mr. Grimston replied,  
*But Archbishops are not Bishops, Mr. Speaker.*

To that Mr. Selden brisquely rejoyned,  
*That, Mr. Speaker, is no otherwise true, then that Judges are no Lawyers, and Aldermen no Citizens.*

The 16 Ministers that Exhibited the Petition and Remonstrance ordered to attend to morrow.

Sir Nicholas Crisp declared to be within the Order for Monopolists, and Voted out: Mr. Speaker to issue out a Warrant to the Clerk of the Crown to send out a Writ of Election to Winchelsea in Suffex, for which Place he served as a Member.

The Ministers were called in, but their Answer about the Remonstrance is not Entred upon the Journal.

The House was by a Message ordered to attend his Majesty at the Banqueting-House at White-Hall at Two of the Clock in the Afternoon, to receive his Majesties Answer of the Remonstrance made on Friday last to his Majesty by both Houses; which his Majesty delivered to them in these words:

**H**AVING taken into My Serious Consideration the late Remonstrance of the Houses of Parliament, I give you this Answer,  
*That I take in good part your Care of the True Religion Established in this Kingdom, from which I will never depart; as also for the Tenderness of My Safety, and Security of this State and Government: It is against my Mind, that Popery or Superstition should any way encrease within this Kingdom, and will restrain the same by causing the Laws to be put in Execution.*

*I am resolved to provide against the Jesuits and Papists, by setting forth a Proclamation with all speed, commanding them to depart the Kingdome within One Moneth; of which if they fail, or shall return, then they shall be proceeded against according to the Lawes.*

*Concerning Rosetti, I give you to understand, That the Queen hath always assured Me, that to her knowledg he hath no Commission, but onely to retain a Personal Correspondence between her and the Pope, in things requisite for the Exercise of her Religion, which is warranted to her by the Articles of Marriage, which gave her a full Liberty of Conscience; yet I have perswaded her, that since the misunderstanding of the Person's condition gives offence, she will within a convenient time remove him.*

*Moreover, I will take a special Care to restrain my Subjects from resorting to Mass at Denmark House, St. James, and the Chappel of Ambassadors.*

*Lastly,*

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Tuesday. Feb. 2.  
Monopolist  
Expelled.

Wednesday,  
Feb. 3.

The King's  
Speech about  
the Remon-  
strance, Feb. 3.  
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*Lastly, concerning John Goodman the Priest, I will let you know the reason why I reprieved him, That as I am informed, neither Queen Elizabeth, nor my Father did ever avow, That any Priest in their times was Executed meerly for Religion, which to me seems to be this particular Case; yet seeing that I am pressed by both Houses, to give way to his, because I will avoid the inconveniency of giving so great discontent to my People, as I conceive this Mercy may proauce, therefore I do remit this particular Cause to both the Houses: But I desire them to take into their Consideration, the inconveniencies (as I conceive) may upon this occasion fall upon my Subjects and other Protestants abroad, especially since it may seem to other States to be a severity, which having thus represented, I think my self discharged from all ill consequence that may ensue upon the Execution of this person.*

Besides these Reasons given by his Majesty in this Speech, he was something touched with the Generosity of this Priest, as may be conjectured by his Majesties sending the day following, being *Feb.* the fourth, the Petition of this Goodman by the Lord Keeper to be communicated to the House of Lords, which followes:

To the Kings most Excellent Majesty

*The humble Petition of John Goodman Condemned.*

Humbly sheweth,

*Goodman's  
Petition to be  
left to the  
Justice of the  
Law.*

**T***hat whereas your Majesties Petitioner hath been informed of a great discontent in many of your Majesties Subjects at the gracious Mercy your Majesty was freely pleased to shew unto your Petitioner by the suspending the Execution of the Sentence of Death pronounced against your Petitioner for being a Roman Priest; these are humbly to beseech your Majesty, rather to remit your Petitioner to their Mercy that are discontented, then to let him live the Subject of so great discontent in your People against your Majesty, for if it had pleased God to give me the Grace, to desire with the Prophet, that if this Storm be raised for my Sake, I may be cast into the Sea, that others may avoid the Tempest.*

*This is most Sacred Sovereign the Petition of him that should esteem his blood well shed to cement up the breach between your Majesty and your Subjects upon this occasion.*

*Ita Testor, John Goodman.*

How much guilty soever he was as a Priest and a Papist, yet certainly it was a piece of Gallantry which could not but most sensibly touch his Majesties Mind with some Compassion, and will in a great measure Justifie his Majesty from the aspersions cast upon him by his Enemies for interceding for this Priest; whose uncommon Petition, to fall a Sacrifice to the Justice of the Law to advance his Majesties Interest and Affairs, will assuredly one Day rise up in Judgment against those who calling themselves the only true Protestants, did to their Eternal Infamy afterwards so liberally sacrifice their Lives in Open and Detestable Rebellion against their Royal Sovereign; and that which will make their Crime look more black and monstrous, will be that Posterity must needs conclude, That King *Charles* was a Prince of Incomparable Goodness, when they shall see both his Popish and Protestant Subjects Petition to die for the Establishment of his Peace and Tranquility, as ere long the Reader shall find the Noble Earl of *Strafford* did, as well as this *Romish* Priest.

The



The House Entred upon the Consideration of the Scots Demands, and upon the Debate it was

Resolved, &c.

*That this House thinks the Sum of 300000 l. a fit Proportion for the Friendly Assistance and Relief of the Losses and Necessities of our Brethren of Scotland, and that in convenient time this House will consider how to raise it.*

300000 l.  
Voted to the  
Scots Bre-  
thren.

It was certainly a very ominous appellation which by this kind Vote was bestowed upon the *Scottish* Rebels; nor would any persons have treated them at this rate, that had not the same Intentions and Designs to bring about in *England*, and by the same Method of Rebellion with which they had Effected their Reformation in *Scotland*: And indeed this Liberality towards them, which was to be paid out of the Purse of the Nation, was nothing less than an Earnest Penny to oblige them to the Interest of the *Presbyterian* Party, and to bind them firmly to lend their Assistance in case of necessity of Arms to compass their Design, as will hereafter appear both by the Promise in the Act of Pacification, and by the future Actions of the *Scots* in assisting their Brethren of *England* in the Ensuing Rebellion.

This Day the matter of the Breach of Priviledges in the last Parliament was taken into consideration, and Mr. *Nevil* being brought to the Barr for attesting before the Council Board, that when Sir *John Lamb* had spoken something for his Majesties Service in the late Parliament, two Members stood up and contradicted it, upon which the said Members were committed; he was by Order of the House sent Prisoner to the *Tower*.

Thursday,  
Feb. 4.  
*Nevil* to the  
*Tower* for  
Breach of Pri-  
viledg.

Sir *William Savil* was also sent for by the Serjeant at Arms upon the same account.

A Petition of the Inhabitants of *Woodchurch* in *Kent* against Mr. *Edward Bowen* their Minister.

Whereupon it was Ordered, *That the Lord Keeper be desired to leave out the Clergy in England and Wales at the renewing the Commission of the Peace.*

This Day Mr. Comptroller delivered a Message from the Queen, Excusing the raising money by the Recusants for the *Northern Expedition*, in hæc verba.

Friday, Feb. 5.  
Petition  
against *Bowen*,  
Clerk.  
Clergy to be  
put out of  
Commission of  
Peace.  
Queens Mes-  
sage to the  
Commons a-  
bout Recu-  
sants raising  
Mony. Feb. 5.

**T**hat her Majesty hath been ready to use her best Endeavours for the removing of all misunderstandings between the King and his People;

*That at the Request of the Lords who Petitioned the King for a Parliament, her Majesty at that time writ Effectually to the King, and sent a Gentleman Expresly to perswade the King to the holding of a Parliament.*

*That she hath since been most willing to do all good Offices between the King and his People, which is not unknown to divers of the Lords; and so shall ever continue to do, as judging it the only way of Happiness to the King, her Self, and the Kingdom, that so all things may be justly settled between the King and his People, and all cause of misunderstanding taken away and removed.*

*That Her Majesty having taken knowledg, that having one sent to her from the Pope, is distastful to the Kingdom, She is desirous to give Satisfaction to the Parliament, which in convenient time she will do, and remove him out of the Kingdom.*

N n n n

That



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*That understanding likewise that Exception had been taken to the great resort to the Chappel of Denmark House, She will be careful not to Exceed that which is convenient and necessary for the Exercise of her Religion.*

*She further taketh notice that the Parliament is not satisfied with the manner of raising Money for the Assistance of the King in his Journey to the North in the Year 1639, at her Entreaty from the Catholiques. She was moved thereunto merely out of her dear and tender affection to the King, and of the Example of others his Majesties Subjects, She seeing the like forwardness, could not but Express her forwardness to the Assistance of the King.*

*If any thing be illegal, She was ignorant of the Law, and was carried therein only out of a great desire to be assistant to the King in so pressing an Occasion, but promiseth to be more Cautious hereafter; and not to do any thing but what may stand with the Established Laws of the Kingdom.*

*Her Majesty being desirous to imploy her whole Power to Unite the King and People, desireth the Parliament to look forwards and pass by such mistakes and Errors of her Servants as may be formerly committed; and this your Respect She promiseth shall be repayed with all the good Offices She can do to this House, which you shall find with real Effects as often as there shall be Occasion.*

Saturday,  
Feb. 6.

The Affair of the Treaty came into debate, and it was by the House consented to a further Cessation, agreed to by the Lords Commissioners with the Scots for a month, if the Treaty shall so long continue.

No damages  
given by the  
Lords upon a  
single Wit-  
ness.

Upon Feb. 9. a Report was made in the House of Lords concerning one John James, who having been much oppressed in divers Ecclesiastical Courts, for which he had desired to have had damages given him, but that he was able to produce but single Witness, theretore their Lordships have given him none; but they do desire to offer one considerable particular to the House, which they have observed in this Case, whether they think fit, that Judges in Superior Courts should have any Place of Judicature in Inferior Courts from whence lies an Appeal to themselves.

Judges of Su-  
perior Courts  
not to be Jud-  
ges of Inferior  
Courts from  
whence lies  
Appeals to  
themselves.

Munday, Feb. 8.  
and Tuesday,  
Feb. 9.

Which Proposition the House considered of, and Ordered, That no man that holds a Place of Judicature in Inferior Courts shall be judge in such Courts wherein there lies an Appeal before himself in any Superior Court.

These Days, the House was upon the Consideration of Religion, the London Petition, the Canons, upon which there were many Speeches made, some of which containing the sence of that House in those important Affairs, follow.

Mr. Speaker,

The Lord  
Digby's Speech  
about London  
Petition and  
Bishops, Feb. 9.  
1640.

I Know it is a tender Subject I am to speak of, wherein I believe some within these Walls are engaged with earnestness in contrary Opinions to mine; and therefore it will be necessary, that in the first place I beseech the patience of this House, that they will be pleased to hear me without interruption: though somewhat I say should chance to be displeasing, I hope there will be somewhat from me ere I conclude, that may be of Service to this House.

Sir, if I thought there were no further design in the desires of some, that this London Petition should be committed, then meerly to make use of it, as an Index of grievance: I should wink at the faults of it, and not much oppose it.

There is no man within these Walls, more sensible of the heavy grievance of Church-government, then my Self; nor whose affections are keener to the clipping of those wings of the Prelates



Prelates, whereby they have mounted to such insolencies, nor whose zeal is more ardent to the searing them, as that they may never spring again.

But having reason to beleive that some aim at a total extirpation of Bishops, which is against my heart, and that the committing of this Petition, may give countenance to that Design, I cannot restrain my self from labouring to divert it, or at least to set such notes upon it, as may make it in effectual to that end.

Truely, Sir, when this Petition was first brought into the House, I considered it in its nature, in the manner of the delivery in the present conjuncture of affairs, both Ecclesiastical and Civil, to be a thing of the highest Consequence that any Age hath presented to a Parliament; and the same thoughts I have of it still.

I profess, I looked upon it then with terror, as upon a Comet or blazing-Star, raised and kindled out of the stench, out of the poysonous exhalation of a corrupted Hierarchy: Me thought the Comet had a terrible Tail with it, Sir, and pointed to the North, the same fears dwell with me still concerning it, (and I beseech God they may not prove Prophetical: ) I fear all the Prudence, all the Fore-cast, all the Virtue of this House, how unitedly soever collected, how vigorously applied, will have a hard work of it. Yet to hinder this Meteor from causing such Distempers and Combustions by its Influence, as it then portended by its appearance; what ever the Event be, I shall discharge my Conscience concerning it, freely and uprightly, as unbiass'd by popularity, as by any Court respects.

Sir I could never flatter the sense of this House, which I Reverence so much, as to suppress a single No, that my heart dictated, though I knew the venting of it might cast prejudices upon me: had my Fortune placed me near a King, I could not have flattered a King; and I do not intend now to flatter a multitude.

I shall desire those worthy Aldermen, and the rest here of the City of London, not to take anything I shall say, in the least way of disparagement or reflection on the City; I look not upon this Petition, as a Petition from the City of London, but from I know not what, 15000. Londoners, all that could be got to subscribe.

When this Petition was first presented, there might be more reason for the Commitment of it, as being then the most comprehensive Catalogue we had of Church grievance, but now that the Ministers by their Remonstrance, have given us so fair and full an Index of them without those mixtures of things contemptible, irrational and presumptuous, wherewith this Petition abounds, I do not know I profess to what good end it can be committed, being full of contemptible things, but first let me recal to your mind the manner of its delivery: And I am confident, there is no man of judgment, that will think it fit for a Parliament under a Monarchy, to give countenance to irregular and tumultuous Assemblies of People, be it for never so good an end: Besides, there is no man of the least insight into Nature, or History, but knows the danger, when either true or pretended stimulation of Conscience hath once given a multitude agitation.

Contemptible things (Sir) swarm in the 8. 13. 14. 15. 16. 17. Articles of this Petition. Did ever any body think that the gayeties of Ovid, or Tom. Caryats Muse, should by 15000. have been presented to a Parliament, as a motive for the extirpation of Bishops, the scandal of the Rochet, the Lawn-sleeves, the four-corner Cap, the Cope, the Surplees, the Tippet, the Hood, the Canonical Coat, &c. may pass with arguments of the same weight; onely thus much let me observe upon it (Mr. Speaker) that one would swear the penners of the Article had the pluming of some Bishops already, they are so acquainted with every feather of them. In a word, I know not whether be more preposterous, to infer the extirpation of Bishops from such weak Arguments, or to attribute as they do to Church government all the civil grievance; not a Patent, not a Monopoly, not the price of a commodity raised, but these men make Bishops the cause of it.

For the irrational part (Mr. Speaker) first they Petition us in a Method onely allowable with those, whose Judgment or Justice is suspected, that is *Iniquum petere, ut æquum feras*: There is no Logick, no reasoning in their demands: It were want of Logick in me to expect it from a multitude, but I consider the multitude in this is led by implicate faith, to that which hath been digested, and contrived but by a few, and in them truely I cannot but wonder at the want of Reconciliation here.

A Petition, Mr. Speaker, ought in this to be a kind of Syllogisme, that the Conclusion, the Prayer ought to hold proportion with the Premisses, that is, with the



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Allegations, and Complaints, and to be reasonably deduc't from them.

But what have we here? a multitude of Allegations, a multitude of Instances, of abuses, and depravations of Church Government: And what inferred from thence? let the use be utterly abolisht for the abuses sake: As if they should say, that because Drunkenness and Adultery are grown so epidemical, as is alledged in the *Petition*; Let there be no more use of Wine nor of Women in the Land.

Christ's Discipline hath been adulterated, 'tis true, the whole Church inebriated by the Prelates, therefore infer our *Petitioners*, let not so much as the chaste, the sober use of them be suffered.

Give me leave to continue one of the Comparisons a little further; should it be demonstrated unto us, that Wine could not be made use of without Drunkenness, and withal some such Liquor presented, as healthy, and as nourishing, from which no distemper could arise; I should not blame any man for desiring to pluck up the Vine by the roots. But for the moveable ill-sake, to take away the solid good of a thing, is just as reasonable in this, as to root up a good Tree, because there is a Canker in the branches.

For the bold part of this *Petition*, Sir, what can there be of greater presumption, than for *Petitioners*, not only to prescribe to a *Parliament*, what, and how it shall do; but for a multitude to teach a Parliament, what, and what is not the Government according to Gods word.

Besides, what is the *Petition* against? is it not against the Government of the Church of *England*, established by Acts of Parliament? Is it not against the Liturgy, against several forms of Divine Service, ratified by the same Authority?

'Tis true, Mr. *Speaker*, the Parliament may mend, may alter, may repeal Laws, may make new, and I hope, in due season we shall do so in point of Church-Government: but in the mean time let me tell you, Sir, I cannot but esteem it an irreverence, and high presumption in any, to *Petition* point blank against a Law, or Government in force.

Representment of Inconvenience may be made, (as the Ministers have done) such as may endure the wisdom of a Parliament, to advise Laws, to rectifie, to repeal them; but it imports the very essence of Parliaments, to keep up the honour of its former Acts, and not to suffer them to be further blasted from abroad.

Believe me, Mr. *Speaker*, all the reverence and authority, which we expect from future times to our own Acts hereafter depends upon our upholding the dignity of what former Parliaments have done, even in those things which in their due time we may desire, and intend to reverse.

Mr. *Speaker*, you see in what plain language I have set forth unto you the faults of this *Petition*, notwithstanding as great as they are, so they may not obtain any seeming countenance from us; I find my self willing to have them past by, especially when I consider how naturally prone all mankind is, when it finds it self oppressed beyond patience, to flye unto extreams for ease. And indeed, I do not think, that any people hath been ever more provoked, then the generality of *England*, of late years, by the insolencies, and exorbitances of the Prelates.

I protest sincerely, Mr. *Speaker*, I cannot cast mine eye upon this *Petition*, nor my thoughts on the practices of the Church-men, that have governed it of late; but they appear'd to me as a scourge imployed by God upon us for the Sins of the Nation; I cannot think of that passage in the Book of *Kings*, *He that escapes the Sword of Hazaël, shall Jehu slay; and he that escapes Jehu, shall Elisba slay.*

Methinks the vengeance of the Prelates hath been so laid, as if 'twere meant, no generation, no degree, no complexion of mankind should escape it.

Was there a man of a nice and tender Conscience? him have they afflicted with scandal in *Adiaphoris*, imposing on him those things, as necessary, which he thinks unlawful, and they themselves knew to be but indifferent.

Was there a man of a legal conscience, that made the establishments by Law, the measure of his Religion? him have they nettled with *Innovations*, with fresh *Introductions* to Popery.

Was there a man of a meek and humble Spirit? him have they trampled to dirt in their pride.

Was there a man of a proud and arrogant nature? him have they bereft with indignation at their superlative insolence about him.

Was



Was there a man peaceably affected, studious of the quiet, and tranquillity of his Countrey? their incendiariſhip hath plagued him.

Was there a man faithfully addiſted to the right of the Crown, loyally affected to the Kings Supremacy? how hath he been galled by their new Oath? a direct Covenant againſt it.

Was there a man tenacious of the liberty, and propriety of the Subject? have they not ſet forth Books, or Sermons, or Canons deſtructive to them all?

Was there a man of a pretty ſturdy conſcience, that would not blanch for a little? their pernicious Oath hath made him ſenſible, and wounded, or I fear prepared him for the Devil.

Was there a man that durſt mutter againſt their Inſolencies? he may inquire for his Luggs, they have been within the Biſhops viſitation; as if they would not onely derive their Brandiſhment of the ſpiritual Sword from St. Peter, but of the material one too, *and the right to cut off Ears.*

Mr. Speaker, as dully, as faintly, as unlively, as in Language, theſe actions of the Prelates have been expreſſed unto you, I am confident, there is no man hears me, but is brim-full of indignation.

*For my part, I profeſs I am ſo enflamed with the ſence of them, that I find my ſelf ready to cry out with the loudeſt of the 15000, down with them, down them, even to the ground.*

But Mr. Speaker, when I caſt mine eye round upon this great and wiſe Aſſembly, and find my ſelf a part too, (though the moſt unworthy and inconfiderable) of that Senate, from whoſe diſpaſſionate and equal Conſtitutions, preſent and future times muſt expect their happineſs or infelicity:

It obliges me to the utmoſt of my power to diveſt my ſelf and others of all thoſe diſturbances of Judgment which ariſe ever from great Provocations, and to ſettle my thoughts in that temper, which I think neceſſary to all thoſe that would judge clearly of ſuch things as have incens'd them.

*I beſeech you Gentlemen, let us not be led on by paſſion to popular and vulgar Errors, it is natural (as I told you before) to the multitude to flie into extreames; that ſeems ever the beſt to them, that is moſt oppoſite to the preſenteſt object of their hate.*

Wiſe Councils (Mr. Speaker) muſt ſquare their Reſolutions by another meaſure, by what's moſt juſt, moſt honourable, moſt convenient: Believe me, Sir, *great alterations of Government are rarely accompanied with any of theſe.*

Mr. Speaker, we all agree upon this; that a Reformation of Church Government is moſt neceſſary, and our happy unity of opinions herein ſhould be one argument unto us to ſtay there; but, Sir, to ſtrike at the Root, to attempt a total Alteration, before ever I can give my vote unto that, three things muſt be made manifeſt unto me.

Fiſt, that the miſchiefs which we have felt under Episcopopal Government flow from the nature of the function, not from the abuſes of it only, that is, that no Rules, no Boundaries can be ſet to Biſhops able to reſtrain them from ſuch Exorbitances.

Secondly, ſuch a frame of Government muſt be laid before us, as no time, no Corruption can make lyable to proportionable inconveniences with that which we abolish.

And thirdly, it muſt be made to appear that this *Utopia* is practicable.

For the fiſt, Sir, that Episcopopacy a function deduced through all ages of Chriſts Church, from the Apoſtles times, and continued by the moſt venerable and ſacred Order Eccleſiaſtical; a function dignified by the learning and Piety of ſo many Fathers of the Church, glorified by ſo many Martyrdomes in the Primitive times, and ſome ſince our own bleſſed Reformation, a government admired (I ſpeak it knowingly) by the learnedit of the Reformed Churches abroad: and laſtly, a Government under which (till theſe late years) this Church hath ſo flouriſhed, ſo fructified, that ſuch a Government, ſuch a function, ſhould at the ſagge end of 1640. years be found to have ſuch a cloſe Devil in it, as no power can Exorcife, no Law reſtrain, appears (Sir) to me a thing very improbable: I profeſs, I am deceived Sir, if Triennial Parliaments will not be a Circle able to keep many a worſe Devil in order.



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For the second, I know not the strength of other mens fancies, but I will confess unto you ingenuously the weakness of my faith in the point, that I do not believe there can any other Government be proposed, but will in time be subject to as great or greater inconveniences than Episcopacy, I mean Episcopacy so ordered, reduced, and limited, as I suppose it may be by firm and solid Boundaries.

'Tis true Sir, we cannot so well judge before-hand of future inconveniences, for the knowledge of the faults and mischiefs of Episcopal government, resulting from fresh and bleeding experience:

And the insight into dangers of any new way that shall be proposed being to rise only from speculation, the apprehension of the one is likely to be much more operative than of the other, though perhaps in just reason it ought to be the weaker with us, it is hard in such cases for us to preserve an equal and unpropense judgment; since being in things of this World so much too hard for faith and contemplation, yet as Divine as our inspection is into things not experimented, if we hearken to those that would quite extirpate Episcopacy; I am confident that instead of every Bishop we put down in a Diocese, we shall set up a Pope in every Parish.

Lastly, Mr. *Speaker*, whether the Subversion of Episcopacy, and the introducing of another kind of Government be practiceable, I leave it to those to judge who have considered the Connexion and Interweaving of the Church Government with the Common Law, to those who heard the Kings Speech to us the other day, or who have looked into reason of state.

For my part (though no States-man) I will speak my mind freely in this, I do not think a King can put down Bishops totally with safety to Monarchy; not that there is any such Alliance as men talk of 'twixt the Myter and the Crown, but from this reason; that upon the putting down of Bishops, the Government of Assemblies is likely to succeed it, That (to be effectual) must draw to it self the supremacy of Ecclesiastical Jurisdiction, that (consequently) the power of Excommunicating Kings as well as any other brother in Christ, and if a King chance to be delivered over to Satan, judge whether men are likely to care much what becomes of him next.

These things considered Mr. *Speaker*, let us lay aside all thoughts of such dangerous, such fundamental, such unaccomplished Alterations: and all thought of countenancing those thoughts in others; let us all resolve upon that course wherein (with union) we may probably promise our selves success, happiness, and security, that is in a through Reformation.

To that, no mans vote shall be given with more zeal, with more heartiness than mine. Let us not destroy Bishops, but make Bishops such as they were in the Primitive times.

Do their large Territories, their large Revenues offend? let them be retrencht, the good Bishop of *Hippo* had but a narrow Diocese.

Do their Courts and Subordinates offend? let them be brought to govern as in the Primitive times, by Assemblies of their Clergy.

Doth their intermedling in secular affairs offend? exclude them from the capacity, it is no more than what Reason, and all Antiquity hath interdicted them.

That all this may be the better effected, Mr. *Speaker* my motion is, that; First, we may appoint a Committee to collect all grievances springing from the mis-government of the Church (to which the Ministers head of Government will be sufficient without countenancing this Petition by a Commitment) and to represent it to this House in a Body.

And in the next place that we may (if it stand with the order of Parliaments) desire that there may be a standing Committee of certain Members of both Houses, who (with a number of such learned Ministers as the Houses shall nominate for Assistants) may take into consideration all these grievances, and advise of the best way to settle peace and satisfaction in the Government of the Church, to the comfort of all good Christians, and all good Common-wealths Men.

Mr.



Mr. Nathanael Fiennes then a violent man for *Presbytery*, afterwards for *Independency*, but alwayes an Enemy to *Episcopacy*, spoke in answer to the Lord Digby as follows:

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Mr. Speaker,

**T**WO Things have fallen into Debate this day.

The first, concerning the *Londoners* Petition, whether it should be committed or no.

The other, concerning the Government of the Church by Archbishops, Bishops, &c. whether it should be countenanced or no.

For the first, I do not understand by any thing that I have yet heard, why the *Londoners* Petition should not be committed, or countenanced.

The Exceptions that are taken against it, are from the irregularities of the delivery of it, and from the Subject matter contained in it.

For the first, it is alledged, that the long tail of this Blazing Star, is ominous, and that such a number of Petitioners, and such a number that brought the Petition to the House, was irregular. Hereunto I answer, That the fault was either in the multitude of the Petitioners, or in their carriages, and demeanours: if a multitude find themselves agrieved, why it should be a fault in them to express their Grievances more than in one, or a few, I cannot see; nay, to me it seems rather a Reason that their Petitions should be committed, and taken into serious Consideration, for thereby they may receive Satisfaction, though all be not granted that they desire. But if we shall throw their Petition behind the Door, and refuse to consider it, that it may seem an act of Will in us. And whether an act of Will in us, may not produce an act of Will in the People, I leave it to your Consideration. Sure I am, acts of Will are more dangerous there than here, because usually they are more tumultuous. All Lawes are made, principally for the quiet and peace of a Kingdom; and a Law may be of such indifferent nature many times, that it is a good reason to alter it, onely, because a great number desires it, if there were nothing else in it, and therefore I do not see that the number of Petitioners is any good reason, why it should not be committed, but rather the contrary.

Now for their carriage, there came indeed, three or four hundred of the 15000, some of the better sort of them, and there might be good reason for it. I have heard that there was brought a Petition to some Privy Councillors, with a Thousand hands to it, and being brought onely with six men, they were answered, That they six might write those thousand hands; if there were a Thousand that joyned in the Petition, why did they not come too? And we heard it objected but the other day, in this House, against the Ministers Petition, that there were indeed Seven or Eight hundred Names to it, but two hands onely. Therefore it was not without cause, that a considerable number should come with a Petition signed by so many; but for any disorder in their carriage, I saw none: for upon an intimation in one word from this House, they forthwith retired to their Dwellings. As for the subject matter of the Petition, three Exceptions are taken against it.

First, That divers things are contemptible in it, as that about *Ovid de Amore*, set forth in English, and other such things.

Secondly, That in many things their discourse was altogether irrational, for that they argue from personal faults of Bishops against the Office it self of Bishops, and in other things argue from effects that proceed from it by accident, as if they did fly out of it.

And in the last place, that their Prayer and Conclusion is bold and presumptuous, desiring so boldly an abolition of standing Lawes.

To the first I answer, that some things may seem contemptible in themselves, which are not so in their causes, nor in their effects, as the suffering of such lascivious Pamphlets to be printed and published, when other profitable writings are suppressed, doth discover a principle, that looseness and prophaness (which will help to bring in superstition) is more sutable to their Hierarchy than the contrary, which makes them connive at such things as are apt to produce looseness and lewdness, and this is no contemptible effect, nor doth it proceed from a contemptible cause.

In

Mr. Nathaniel  
Fiennes his  
Speech in an-  
swer to the  
L. Digby's  
Feb. 9. 1640.



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In the next place, for that which seems irrational in the way of their discovery, divers things may seem to be personal faults, which indeed are derived unto the persons from the office, or from the circumstances thereof, I mean their revenues, and dignities on the one side, and the Ceremonies on the other side. For most of the things complained of, as silencing, and thrusting out of godly and painful Preachers, bringing in Innovations in Doctrine, and worship, and the like; although they may seem personal and accidental faults, yet if we follow them to their last resort, we shall find that their Worldly wealth and dignities stir them up to do this, that their sole and Arbitrary power over the Clergy, and in matter Ecclesiastical, enable them to effect it, and the Ceremonies both new and old serve as instruments, and means, whereby they effect it.

In the last place, that their Prayer in the conclusion of their Petition, is bold or presumptuous, I do not see there is any reason so to esteem of it: for if they had taken upon them to have altered any thing upon their own authority, or had imperiously required the *Parliament* to do it, then it might deserve such a stile: but when they come as humble suppliants, by way of Petition, desiring the altering of Laws, that have been found burdensome unto them, and that of the Parliament, where, and wherein only old Laws may be repealed, and new Laws may be made, they come in the right manner, to their right and proper place, and therefore have done nothing boldly, or presumptuously, but orderly, and regularly, and therefore ought not to receive any check or discouragement in the way that they have taken.

Now Sir, concerning the government of the *Church*, by *Arch-Bishops*, *Bishops*, &c. which also hath been spoken unto; whereas it is desired, that the evils, and inconveniences should be shewed which arise not from the persons, but from the office it self of Bishops, I shall apply my discourse particularly to that point. But first, I shall crave leave to say a word or two, in answer to what hath been alledged for the credit of the Government by Bishops. First, that it is as ancient as Christian Religion, and that it hath continued ever since the time of Christ and his Apostles; as for this, I do not pretend to have so much knowledge in antiquity, as to confute this out of the Fathers and Ecclesiastical Histories; (although there are that undertake that) only one Sentence I have often heard cited out of Saint Jerome, that in the Primitive times, *Omnia communi Clericorum Concilio regerantur*: and truly so far as the Acts of the Apostles, and the New Testament goeth, which was the ancientest, and most Primitive time of Christianity, I could never find there any distinction between a Bishop and a Presbyter, but that they were one and the very same thing. In the next place, that which is alledged for the credit of Episcopacy, is, *that our Reformers and Martyrs were many of them Bishops, and practised many of those things now complained of; and that in other Reformed Churches where Bishops are not, they are desired*. For the *Martyrs* and *Reformers* of the Church that were Bishops, I do not understand that that was any part of their Reformation, nor of their Martyrdom; I have read, that whereas Ridley and Hooper had some difference between them in their life time about these things, when they came both to their *Martyrdom*, he that had formerly been the Patron of this *Hierarchy*, and *Ceremonies*, told his brother, *that therein his foolishness had contended with his wisdom*. As for that which is said, *that other Reformed Churches where they have not Bishops, yet they are desired*, I will not deny but some among them may desire *Bishopricks*, I mean the *Dignities* and *Revenues* of Bishops, but that they desire Bishops as thinking it the fittest and best *Government* of the Church, I cannot believe, for if they would have Bishops, why do they not make themselves Bishops? I know not what hindreth, why they might not have Bishops when they would. In the last place, for that which is alledged in relation to the Government of this Kingdom, *that Bishops are so necessary, as that the King cannot well let them go with the safety of Monarchy, and that if Bishops be taken away, Assemblies, or something must come in the room thereof*. And if Kings should be subject thereunto, and should happen to be excommunicated thereby, *that after they would be little esteemed, or obeyed as Kings*: for this, if it shall be cleared, as it is affirmed, or if any thing therein do strike at Monarchy, I shall never give my vote, nor consent thereunto as long as I live. But to clear that this is not so, I offer to your consideration, that by the Law of this Land not only all Ecclesiastical Jurisdiction, but also all superiority, and preheminance over the Ecclesiastical state, is annexed to the Imperial Crown of this Realm, and



and may be granted by Commission under the Great Seal, to such persons as his Majesty shall think meet: now, if the King should grant it to a certain number of Commissioners, equal in authority, as he may do, this were an abolition of Episcopacy, and yet not diminution of Monarchy; But the truth is, Episcopacy is a kind of Monarchy under a Monarchy, and is therein altogether unlike the Civil Government under his Majesty: for the King being a common head over the Ecclesiastical state and the Civil, we shall find that in the exercise of Civil Jurisdiction, in all Courts under his Majesty, it is *Aristocratical*, and placed in many, and not in one, as appeareth in this High Court of *Parliament*, in the inferior Courts of *Westminster Hall*, and in the *Sizes*, and *Sessions* in the Countrey, which are held by many Commissioners, and not only by one, or his *Deputies*, and *Commissaries*, as it is in the exercise of Ecclesiastical Government. As to the point of *Excommunication*, supposing that it did dissolve natural and civil bonds of duty, as it doth not, it might indeed be as terrible to Princes, as it is represented. But I reason thus, *either Princes are subject to Excommunication, or they are not: if they be not, then they need as little to fear a Presbyterie or an Assembly, as a Bishop in that respect; if they be, they have as much to fear from Bishops, at leastwise from Bishops in their Convocations, as from Presbyters in their Assemblies; and so much the more, because they have formerly felt the thunderbolts of those of that Stampe, but never from this latter sort.* And now Sir, I proceed to represent unto you the evils, and inconveniences that do proceed from the Government and Ceremonies of the Church, and truly in my opinion, *the chief and principal cause of all the evils which we have suffered, since the Reformation in this Church and State, hath proceeded from that division which so unhappily hath sprung up amongst us, about Church government, and the Ceremonies of the Church, and from which part in that division, I believe, it will appear in the particulars.* I know well there is a great division, and that upon great matters, between us and the Papists, and I am not ignorant that there have been great and sore breaches made upon our Civil Liberties, and the right of our proprieties.

But yet still I return to my former position, that the chief and most active cause hath proceeded from the Government and Ceremonies of the Church, and that those other causes have either fallen into it, and so acted by it, or issued out of it, and so acted from it. As for Popery, *I conceive that to have been a cause that hath fallen into this, and acted by it; for at the Reformation it received such a deadly wound by so many sharp Laws enacted against it, that had it not been enlivened by this division amongst us, it could never have had influence upon our Church and State to have troubled them, as this day we feel; but finding that in this division amongst us, one party had need of some of their principals to maintain their Hierarchy, together with their Worldly pomp and Ceremonies, which are appurtenances thereunto; from hence they first conceived a ground of hope, and afterwards found means of success, towards the introducing again of their Superstition and Idolatry into this Realm; and they wrought so diligently upon this foundation, that they have advanced their building very far, and how near they were to set up the Roof, I leave it to your consideration.* As for the evils which we have suffered in our Civil liberty, and the right of our proprieties, *I conceive they have proceeded out of this, and so acted from it; for if there had been no breaches of Parliaments, there would have been no need to have had recourse unto those broken Cisterns, that can hold no water; but there being a stoppage of Parliamentary supplies, that was an occasion of letting in upon us such an inundation of Monopolies, and other illegal Taxes, and impositions, accompanied with many other heavy and sore breaches of our Liberties.* Now there needed not to have been any breaches of Parliaments, had there not been something disliked in them, and what was that? it could not be any of these civil matters that bread the first difference, for they have proceeded out of it, therefore I conceive it was this: *The Prelates with their adherents (the Papists also concurring with them for their interest) did always look upon Parliaments with an evil Eye, as no friends to their offices and functions, at leastwise to their Benefices and Dignities, and therefore (some of them having always had the grace to be too near to the Princes ears) they have always endeavoured to breed a dis-affection in Kings from Parliaments, as the Press and Pulpit do abundantly witness, and Ballads too, made by some of them upon the breaches of Parliaments.* But we have a fresh and bleeding instance of this in the confirmation in his Majesties name, which they procured to be prefixed



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before their new Book of Canons, wherein they have endeavoured to make this impression upon his Majesties Royal mind, that the Authors and Fomenters of the jealousie in respect of the new Rites and Ceremonies lately introduced into the Church, which we call innovations, did strike at his Royal person, as if he were perverted in his Religion, and did worship God in a superstitious way, and intended to bring in some Innovation in matter of Religion. Now Sir, who are the authors of those jealousies? did they not come as complaints in the Petitions from the bodies of several Counties the last Parliament, and from more this present Parliament? and who were the fomenters of those jealousies? did not the general sence of the last Parliament concur in it, that they were Innovations; and that they were suspitions, as introductory to superstition? Nay, I appeal to all those that hear me, which are drawn from all parts of the Kingdome, whether this be not the general sence of the greatest and most considerable part of the whole Kingdom? I beseech you then to consider, what kind Offices these Men have done between the King and the Parliament, between the King and Kingdom, I speak of the greatest and most considerable part, as giving denomination to the whole. And now Sir, as we have cast our eye backwards, if we will look forwards, how do the Clouds thicken upon us, and what distractions, yea what dangers do they threaten us withall, proceeding still from the same root of Church Government and Ceremonies? and truly as things now stand, I see but two ways, the one of Destruction, the other of Satisfaction; Destruction I mean of the opposite party to the Bishops, and the Ceremonies, and reducing of all to Canonical obedience, by fair means or by foul: this way hath been already tried, and what effect it hath brought forth in our neighbour Kingdom, we well know, and it is like to produce no very good effect in this Kingdom, if mens scruples and reasons in that behalf shall be only answered with Prisons, and Pillories, and hard Censures, that I may speak most softly of them. I hold therefore, that the other way of Satisfaction is the safest, the easiest, and the only way. And that is to take into consideration, the several heads of the evils, which are causes of these complaints, and to find out, and apply the proper remedies thereunto. For the furtherance whereof, I shall make bold with your patience (which I am very unwilling to tire, but must tire my own Conscience if I should not discharge it upon this occasion) to represent a brief Model of the several heads and springs from whence the evils, which are causes of these complaints, do naturally or occasionally arise. The evils complained of, do either arise from persons, or from things; those faults that are personal are besides the point that I intend to speak to, there is one only remedy for them, that is, by punishment and removal of such persons, and the putting of better in their room. As for those evils which proceed from things, they also are remedied by a removal of such things as are evil, and the putting of better in their room; the evils and inconveniences of this kind do principally flow, either from the Clergies Offices and functions, or from their Benefices and Dignities; those that arise from their Offices and functions, do arise naturally either from the Laws and Constitutions whereby, and according to which they exercise their Offices and functions, or from the Government it self, wherein they exercise those functions. The faults that I note in the Ecclesiastical Laws are, that they hold too much of the Civil Law, and too much of the Ceremonial Law: Of the Civil Law, in respect of all those Titles concerning Wills, and Legacies, Tithes, Marriages, Adulteries, which all belonging to the Civil Jurisdiction, and are no more of Spiritual consideration, than Rapes, Thefts, Felonies, or Treasons may be. Sir, it is good that every bird should have his own Feather, and I remember when one came to our Saviour Christ, to desire him that he would cause his Brother to divide the inheritance with him, he asked him; who made him a Judge of such things: and may not we ask, who made them that take themselves to be Successours of Christ and his Apostles, Judges of such things? Many inconveniences arise from hence; First that the minds of Clergy-men are inured unto Civil Dominion, and to meddle with civil matters. Secondly, the manner of their proceedings, is turned from a Spiritual way into the fashion of Processes in Temporal Courts. And lastly, which is worst of all, by this means the Spiritual Sword comes to be unsheathed about such things as do not at all fall under the stroke thereof. Many are excommunicated for Piggs, Apples, and Nuts, and such like things. But the other fault which I noted in the Ecclesiastical Laws and Constitutions, pincheth us more, which is, that they hold too much of the Ceremonial Law.

And



And here Mr. *Speaker*, give me leave to lament the condition of this our Church of *England*, beyond that of all other reformed Churches. A certain number of *Ceremonies* in the judgment of some men unlawful, and to be rejected of all Churches, in the judgment of all other reformed Churches to be rejected by them, and in the judgment of our own Churches, but indifferent *Ceremonies*: and yet what difference? yea, what distractions have these indifferent *Ceremonies* raised among us? What hath deprived us of so many faithful, able, and godly Ministers since the Reformation, as able & as fit in all other respects to discharge that function, as any age ever produced in the Christian World since the time of the Apostles, I say what hath deprived us of them, but these *indifferent Ceremonies*? What hath deprived us of so many thousand Christians which desired (and in all other respects deserved) to hold communion with us; I say, what hath deprived us of them, and scattered them into I know not what places and corners of the World, but these *indifferent Ceremonies*? What hath caused so many hard censures, and harder executions, but these *indifferent Ceremonies*? What hath occasioned those calamities and dangers, which we feel, and which we fear, but those *indifferent Ceremonies*? I shall say no more of them, but I pray God that now at length it may please his Majesty with this his great Council of Parliament, to take a view of them, and if there be a necessity to retain them, let them be retained; but if not, then let us remove them, before they ruine us. As to the evils and inconveniences that arise out of the government it self, I should have noted something amiss, as well in the *legislative* part, as in the *executive* part, but in the former I am prevented, by what hath been already voted concerning the Power of making Canons: which votes if they be brought to perfection, they will set us right in great part, in that respect; for surely, before the Power was neither in the hands of such as were representative of that which is truly the Church of *England*, nor yet in the hands of those that were truly representative of the Clergy of *England*, if they were the whole Church, as indeed they are not. As to the *executive* part, which consisteth in the exercise of Ecclesiastical Jurisdiction, therein I note also two disorders, Confusion, and Corruption; Confusion of the Spiritual Sword with the Temporal; Laymen strike with the Spiritual Sword: and Spiritual men with the Temporal Sword: nay, out of the same mouth, and at the same time proceedeth an Excommunication, and a fine, or commitment, or both: I will not say positively, that it is unlawful for Clergy men to exercise civil jurisdiction, because I know it is a question, but yet such a question as hath bin determined by divers Canons of general Councils, and by some that were made in Synods of the Church of *England*, that it is unlawful, and that upon grounds which are not contemptible.

As first, that it is contrary to the precept and practice of Christ and his Apostles, And secondly, That it is not possible for one man to discharge two Functions, whereof either is sufficient to imploy the whole man, especially that of the Ministry so great, that they ought not to entangle themselves with the affairs of this World. A third ground not so well observed generally, as in one part thereof is this, That Ministers of the Gospel, being sent especially to gain the Souls of men, they are to gain as great interest as possible may be, in their minds and affections: Now we know that the nature of all men is such, that they are apt to think hardly of those that are any Authors of their pain and punishment, although it be in a way of Justice, and therefore as it is well known, that Clergy men are not to be present in *judicio sanguinis*; so the same reason extends it self to the administration of all Civil Jurisdiction, and therefore we may observe that our Saviour Christ, as he alwaies rejected all Civil judicature, so on the other side, he went up and down healing mens bodies, and otherwise doing good to their outward estate, that his Doctrine might have a freer and fairer passage into their Souls. For the corruption that I spoke of in the exercise of Ecclesiastical Jurisdiction, I do not mean any personal corruption, but a deviation or aberration from the prescript of Divine Rule: And though it be not easie to find what that is in all particulars, yet it is not hard to say, what it is not, and that I doubt may prove our case in divers things. Ecclesiastical Jurisdiction we know extends either to the Clergy only, and consisteth in the Ordination, Admission, Suspension, and deprivation of them, or else it extendeth to the whole Church, and consisteth in Excommunication and Absolution. As to the Ordination, Admission, Suspension, and Deprivation of Ministers; we see how it is wholly at the pleasure of one man, and that of one man proceeding in a manner Arbitrarily, and that of one man whose interest is concerned in it, that the door shall be shut against able and painful



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*Preaching Ministers, and a wide door set open to such as are unable, and unfit for that function: many and great and dangerous evils arise from hence. As first, that there is a constant hate and feud between the ecclesiastical State and the Civil, between Prelates and Parliaments, between the Canon Law and the Common Law, between the Clergy and the Common-wealth, arising from the Disproportion and Dissimilitude which is between the Civil and Ecclesiastical Government, however it may seem to some to agree well enough, but the truth is, if we consider his Majesty as the Common-head over the Ecclesiastical State, as well as the Civil, we shall find that in the exercise of all Civil jurisdiction, in all Courts under his Majesty, the power is not in any one, or his Deputies and Commissaries, as it is in the Ecclesiastical Government, in the several Diocesses throughout this Kingdom: If we look first upon the Highest and greatest Court, the High Court of Parliament, we know that is a Council, and a great Council too. In like manner, in the inferior Courts of Westminster-Hall, there are many Judges in the point of Law, and more in matter of Fact, wherein every man is judged by twelve of equal condition unto him, (I mean the Juries,) which are Judges of the Fact, both in causes Civil and Criminal. And if we look into the Countrey, we shall find the Sessions and Assizes, and other Courts, held not by any one, but by divers Commissioners. And in short, in the Civil Government, every man from the greatest to the least, hath some share in the Government according to the Proportion of his Interest in the Common-wealth; But in the Government of the Church, all is in the hands of one Man, in the several Diocesses, or of his Chancellors, or Commissaries, and he exacts Canonical Obedience, to his Pontifical Commands, with a total Exclusion of those that notwithstanding have as much share in the Church, and consequently as much Interest in the Government of it, as they have in that of the Common-wealth. (Sir) until the Ecclesiastical Government be framed something of another twist, and be more assimilated unto that of the Common-wealth, I fear the Ecclesiastical Government will be no good neighbour unto the Civil, but will be still a casting in of its leaven into it, to reduce that also to a sole, absolute, and arbitrary way of proceeding: And herein (Sir) I do not believe, that I utter Prophecies, but what we have already found and felt.*

*A second, and that a great evil, and of dangerous consequence, in this sole and Arbitrary Power of Bishops over their Clergy, is this, that they have by that means, a power to place, and displace the whole Clergy of their Diocess at their pleasure: and this is such a power, as for my part, I had rather they had the like power over the Estate and persons of all within their Diocess; for if I hold the one, but at the will and pleasure of one man, (I mean the Ministry under which I must live) I can have but little, or at least no certain joy nor comfort in the other. But this is not all, for if they have such a Power to mould the Clergy of their Diocesses, according to their pleasure, we know what an Influence they may have by them upon the people, and that in a short time they may bring them to such blindness, and so mould them also to their own wills, as that they may bring in what Religion they please: nay, having put out our eyes, as the Philistines did Sampsons, they may afterwards make us grind, and reduce us unto what slavery they please, either unto themselves, as formerly they have done, or unto others, as some of them lately have been forward enough to do. Now whether it be safe to walk upon Stilts on the top of the Pinacles of the Temple, upon so high precipices, as are the matters of Religion and Conscience (which may have also a dangerous Influence upon our civil liberties) I leave it to your consideration: for my part I should not think it safe, that such a power should be in any one man, though you suppose him to be a very good man.*

*A third evil, and that of dangerous consequence, is that the door is shut against able and painful Preaching Ministers, and a wide door set open to those that are unable, and unfit for that function, and the Bishops interest is concerned in it, that it should be so, Interest of honour, Interest of profit, and Interest of power, Interest of credit; for they see that those painful Preachers carry away all the credit from them, and they neither can nor will do the like themselves: they cannot by reason they are so intangled with the affairs of this World, and Civil Jurisdiction; they will not, their great Dignities and Honours make them so stately, that they think it is not Episcopal to Preach often; and on the other side, they are so fat, and live so much at their ease, that through idleness they cannot bring their minds unto it,*  
and



and so first ariseth envy against those that do take pains, and thence after springeth persecution. In the next place, *their Interest is concerned in matter of profit: for they suppose, that if the credit of their Diana fall to the ground, their gain will after cease, and that the people will think much, that some men should take all the pains, and other go away with all the profit.*

Lastly, *their Interest is concerned in it, in point of power, for they find that neither such Preaching Ministers, nor their Auditors, are so plyable to yield blind Canonical Obedience, as others are: and so it concerns them in point of Power, to stop their Mouths.*

And now it must needs follow by the Rule of Contraries, *That it must be for their Profit, Honour, and Power, to set open a door to idle and unfit Ministers.* But there are two particulars, which I will note, wherein it concerns them in their Profits, to set the door very wide open, where there is no Suspicion of *Refractoriness*. First, We know Bishops have many times *Living*s in *Commendum* and *Pluralities*; but there is hardly any, but they have impropriations, whereof they are to see the Cure discharged, and therefore it is for their profit, that there may be good store of cheap Curates, which cannot be very fit and able men; and with such ordinarily they furnish the Cures of such places whereof they have the Impropriations. (Sir) In the next place we know, that orders are not given, but in a manner fold, for not only the Bishop, and his Register, but also his Usher, his Chamberlain, his Butler, and Porter, and almost all his menial Servants must have their fees, before the poor Clerk with his Box full of Orders can pass the Porters Lodge. I hear much of the legal Simony, which consisteth in the buying and selling of Benefices, but whether this doth not approach nearer to the Evangelical Simony, which consisteth in the buying and selling of the gifts of the holy Ghost; I offer it to your consideration. Now (Sir) for Excommunication and Absolution, all seems to be out of Joint, for Excommunication is neither in right hands, nor exercised upon right grounds and matters, nor in a right form and manner, nor to right ends, and then it is no marvel if it have not right effects. (Sir) we know our Saviour hath lodged it in the Church (for so runs the precept) *dic Ecclesie*: now (Sir) that one man should be a Church, sounds strangely in my ears. In the next place (I beseech you Sir) consider about what their Spiritual Sword is exercised, about things no way lying under the stroke thereof; A man shall be excommunicated for a Pig, or for an Apple, and such like things: I heard once a Gentleman of the Civil Law answer hereunto in this house, that the Excommunication was not for the thing, but for the contempt, and the less the thing was, that was commanded, the greater was the contempt: If this were so, sure the greater is the cruelty, to lay command upon so small a matter, that draweth after it so deep a censure, as to cast a man down into Hell. Suppose a Magistrate should command some trivial matter, some Ceremony or other, under pain of Treason, and should proceed against the Infringers of his command as Traytors, it were much to be doubted, whether the command did not partake more of cruelty, than the disobedience of contempt; for when authority shall so far lose it self, as to lay so great a weight upon so small a matter, it rendreth it self contemptible, and then it is no marvail (I had almost said) it is no fault, if it be contemned, having made it self contemptible. Then Sir, for the form of proceeding, it is no whit Spiritual, there is no fasting and prayer, no seeking to reclaim the Sinner, but rather it is after the fashion of a Summary Process in a Civil Court, nay, Sir, it is accompanied sometimes with an intimation that no man shall Buy or Sell with the person excommunicated, nor set him a work, nor do any civil or natural offices unto him. As we had a complaint brought in this *Parliament*, of a Son that was excommunicated only for repeating a Sermon to his Father, being an excommunicate person. Now Sir, for the ends for which this censure is executed, they are ordinarily to fetch in fees, or at the best to bring men under Canonical obedience, which is the *Ordinaries* will and pleasure, and I have sometimes seen a *Minister* pronounce an *Excommunication*, which he held in one hand, and presently after the absolution which he held in the other, so the end of the excommunication was the absolution, and the end of that was fees: (Sir) for the honour of God, for the honour of our national Church, and for the honour of the Christian Religion, let the high and great censure of the Church no longer lackey after fees, let not Christians any longer be cast to Satan, in the name of *Jesus Christ*, for the non payment of a groat.

And



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And now Sir, we may imagine what effects are like to follow upon such premises, the great and dreadful censure of Excommunication is thereby made contemptible, and were it not for the civil restraints, and penalties that follow upon it, no man will purchase an absolution, though he may have it for a half-peny. And I have heard of some that have thanked the Ordinaries for abating or remitting the fees of the Courts; But I never heard of any that thanked them, for reclaiming their Souls to repentance, by their Excommunications; (Sir) for absolution, it is a relative to excommunication, and so labours of the same diseases: only one thing I shall particularly note concerning absolution, (Sir) it is called commutation of penance, but indeed it is a destruction of the Ordinance, making voyd, and of none effect, and surely God never set his Ministers to sell indulgences in his Church. The Oath that is to precede absolution, *ac parendo juri ecclesie, & stando, &c.* hath already been sufficiently spoken unto, in the debate about the Canons, and therefore there will be no need of speaking more to that. Now Sir, I am come to my last head, wherein I shall be very brief; and that is concerning the evils that arise out of the benefices and dignities of the Clergy, the common cause being from the inequality of the distribution of them, much resembling a disease very ordinary at this time amongst Children, which they call the Rickets, wherein the nourishment goeth all to the upper parts, which are over-great and monstrous, and the lower parts pine away: and so it is in the Clergy, some are so poor, that they cannot attend their Ministry, but are fain to keep Schooles, nay, Ale-houses some of them; and some others are so stately, they will not attend their Ministry, and so between them the flock starved: but our evils have more especially proceeded from the excessive Worldly wealth, and dignities of one part of the Clergy, I mean such as either are in possession, or in hopes of Bishopricks, for these great places of profit and honour, first, have been the baits of ambition, and then they became the apples of contention, and last of all, the seeds of superstition, the one being a step and degree unto the other, and all of them leading in the end to the corruption, (that I may not say subversion) of our Religion. Sir, they are first the baits of ambition, and I know not by what secret cause, but experience sheweth us, that when Clergy men have once tasted the sweet of Worldly wealth and honours, they are more eager and ambitious after them than any other sort of men; hereupon other godly Ministers, that live more according to the simplicity of the Gospel, and the example of *Christ* and his Apostles, cannot but bear witness against their Worldly pomp and dignities, and so the fire of contention breaketh forth. And truly (Sir) the state of the Clergy is very like to fire, which whilst it keeps in the Chimney, it is of excellent use to warm those that approach unto it, but if it once break out into the house, and get upon the house top, it sets all on fire: so whilst the Clergy keep themselves within the Pulpit, they are of great use to stir up the zeal and devotion of Christians, but if they once fly out into the house, if they begin to meddle with Civil places and jurisdictions, and especially if they once get up to the Council-Table, it is seldome seen, but that at length they set all on fire; and what is it that maketh the fire to break out of the Chimney, but too much fuel? if there be but a moderate proportion of fuel, the fire keeps it self within its bounds, but if you heap faggot upon faggot, a whole Cart load together, then it breaketh out: (So Sir) if there be a competent maintenance for the Ministry, they will keep themselves within their bounds, but if living be heaped upon living, and Temporalities added to Spiritualities, the flame will soon break out, and set the house on fire. (Sir) I do not envy the wealth or greatness of the Clergy, but I am very confident, if those were less, they would be better, and do more service to *Christ* and his Church; and I am very clear in mine own heart, that the livings of the Clergy being more equally distributed, the service of God would be so far from receiving any prejudice, that it would be much advanced, and withal a good proportion of revenue might return again to the Crown, from whence it was first derived. (Sir) *Bishopricks, Deanries, and Chapters, are like to great wasters in a Wood, they make no proof themselves, they cumber the ground whereon they stand, and with their great Arms and Boughes stretched forth on every side, partly by their shade, and partly by their sower droppings, they hinder all the young wood under them from growing and thriving.* To speak plain English, these Bishops, Deans, and Chapters, do little good themselves by Preaching, or otherwise; and if they were felled, a great deal of



of good Timber might be cut out of them, for the uses of the Church, and Kingdom at this time. A fresh stool of three or four able Ministers might spring up in their stead to very good purpose in those great Towns, which are ordinarily the Seats of those Episcopal, and Collegiate Churches, and the private Congregations of divers Parochial Churches might thrive and grow better, which now have the Sun of Gods Word, I mean the cleer and spiritual Preaching thereof kept from them, and live in the dangerous shade of Ignorance, by reason that all the means is taken from them, and appropriated unto Bishops, or to Deanries, and Chapters, and other such Collegiate Churches. Besides, such as do begin to grow and start up through the voluntary pains of some amongst them, or by such preaching as they themselves have procured by their voluntary contributions, should not still be dropped on as they are, from the armies and appendances of those great wasters, and kept down continually by their bitter persecutions. That which remains now, is to shew how these great Revenues and Dignities, become the seeds of superstition, and that is this: *The Clergy in the maintenance of their greatness, which they are neither willing to forgoe, nor yet well able to maintain upon the principles of the Reformed Religion, finding that the Popish principles, whereon the Bishop of Rome built his greatness, to suit well unto their ends, that maketh them to side with that party, and that must needs bring in superstition: and as ambition allureth on the one side, so the principles they go by, draw them on farther and farther, and happily at length farther than they themselves at first intended.* Whether a reconciliation with Rome, were imagined or no by some, I leave it to every one to judg within himself: But sure I am, if an accommodation could have been made in some fashion or other, with the Church of Rome, the Clergy might again be capable of forraign preferments, and Cardinals Caps, and this is no small temptation. Now Sir, I am at an end, only I shall draw out three conclusions, which I conceive may cleerly be collected out of what I have said. *First, what civil jurisdiction in the persons of Clergy-men, together with their great Revenues, and high places of Dignity, is one great cause of the evils which we suffer in matter of Religion. Secondly, that the sole and Arbitrary Power of Bishops in the ordaining and depriving of Ministers, and in Excommunication, and absolution, is another great cause of the evils we suffer in matter of Religion. Thirdly, the strict urging of Subscription, and Conformity to the Ceremonies, and Canons of the Church is another great cause of evil, which we suffer in matter of Religion.*

And now my humble motion is, that we should not take a piece only of this Subject into our consideration, but the whole matter, and that not only that part of the Ministers Remonstrance, which hath been read, should be referred to the Committee which you are about to name, but *Londons* Petition also, and all other Petitions of the like nature, so soon as they shall be read in the House, and that the Committee may collect out of them all such heads as are fit for the consideration of this house, and surely that is fit to be considered, that happily will not be thought fit to be altered: consideration is one thing, and alteration another: where there is a mixture of bad and good together, the whole must be considered, that we may know how to sever the good from the bad, and so retain the one, and reject the other, which is all that I desire. And if any thing have fallen from me more inconsiderate (as in so long a discourse many things may have done) I humbly crave the Pardon of the House, protesting that I have spoken nothing but with a mind which is ready, to sacrifice the body it dwelleth in, to the Peace and Safety of his Majesties Kingdoms, and the Safety and Honour of his Majesty in the Government of them.

With what Sincerity this last Period was spoken, the part which this Gentleman bore in *Englands* Tragedy and his Majestie's Sufferings, will abundantly testifie.

Mr. *Bagshaw* who had been discharged of his Reading in the *Temple*, which he intended to do upon some Odd Points of Law, was not a little severe upon the Archbishop and Prelates; but whether as is usual with those who have an opportunity to revenge private Indignities by publique Authority, with more Heat than Reason or Law, let the Reader

of



1640.

Mr. Bagshaw's  
Speech con-  
cerning Epis-  
copacy and  
the London  
Petition, Feb.  
9. 1640.

of his Speech and the subsequent Paper which I found lodged in the Paper Office, judge.

Mr. Speaker,

**I** Was yesterday, and the time before, for the retaining of the London Petition, and am in the same mind still; and therefore do now rise up against the proposal of that Question; which is now called for; Whether Episcopacy it self be to be taken into Consideration by the Committee? wherein I do distinguish of a two fold Episcopacy; The first, in Statu puro, as it was in the primitive Times. The second, in statu Corrupto, as it is at this day, and is so intended and meant in the London Petition. Now I hold, That Episcopacy in this later sense is to be taken into Consideration as a thing that trencheth not only upon the Right and Liberties of the Subject of which I shall have occasion to speake hereafter; But as it is now, it trencheth upon the Crown of England in these four particulars, wherein I know, this House will willingly hear me.

First, It is maintained by the Bishop of Exeter, in a Book which he hath writ to this purpose, That Episcopacy it self both in the Office, and in the Jurisdiction is de Jure Divino, of Divine Right; which position is directly contrary to the Laws of England; of which I will cite but two or three instead of many more. The statute of Carlisle 35. E. 1. mentioned in Cawdries Case, in the fifth Report, saith, That the Church of England is founded in the state of Prelacy by the Kings of England and their Progenitors. Which likewise appears by the first Chapter of Magna Charta, in these words, Concessimus Deo et Ecclesiæ Anglicanæ omnes Libertates &c. and in 25. E. 3. in the French Roll, which I have seen, there the Arch-bishop and Clergy petition the King for their Liberties, in these words, thus Englished. That for the Reverence of God, and Holy Church, and of his Grace and Bounty, he will confirm all those Liberties, Priviledges, and Rights, granted, and given by him, and his noble Progenitors, to the Church by their Charters. Which plainly sheweth, that they have their Episcopal Jurisdiction from the Kings of England, and not Jure Divino by Divine Right: and this likewise is acknowledged by themselves in the Statute 37. H 8 cap. 17, that they have their episcopal Jurisdiction, and all other Ecclesiastical Jurisdiction whatsoever solely and only, by, from, and under the King.

The second Thing, that is trenching upon the Crown, is this, that it is holden at this day, that Episcopacy is inseparable to the Crown of England; and therefore it is commonly now said, No Bishop, no King; no Mitre, no Scepter: which I utterly deny; for it is plain, and apparent, That the Kings of England were long before Bishops, and have a subsistence without them; and have done, and may still depose them.

The Third is likewise Considerable, as trenching upon the Crown, which is that was said under the Gallery, That Episcopacy was a third Estate in Parliament, and therefore the King and Parliament could not be without them; This I utterly deny, for there are Three estates without them, as namely the King, who is the first Estate; the Lords Temporal is the second; and the Commons, the third; and I know no fourth Estate. Besides, the Kings of England have had many Parliaments, wherein there have been no Bishops at all: as for Example, E. 1. the 24th of his Reign, held his Parliament at Edmundbury, excluso Clero; and in the Parliament of 7. R. 2. cap 3. and 7. R. 2. cap. 12. it doth appear, that they were enacted by the King, with the assent and agreement of the Lords Temporal, and Commons, where the estates of Parliament are mentioned, and not the Clergy. Divers other Statutes might likewise be named to this purpose, which I omit.

The fourth and last Thing is of the Bishops holding of the Ecclesiastical Courts in their own names, and not in the Name of the King, nor by Commission from him Contrary to the Statute of 1. E. 6. cap. 2. and contrary to the Practice of Bishop Ridley, Coverdale, and Ponnet, who took Commissioners from the King for holding their Ecclesiastical Courts, as may be seen at this day in the Rolls.

And although it will be objected, That by a late Proclamation in 1637. wherein the Opinion of the Judges is mentioned. It is declared upon their Opinion, That the Act of 1. E. 6. was Repealed, and that Bishops may now keep Courts in their own Names, and send process under their own Seals; yet it is well known, that the Statute of 1. Q. Mary, which repealed the Statute of 1 E 6. was it self repealed by the Statute of 1. Jac. cap 25. whereupon it was holden upon a full debate of this Point in Parliament 7. Jac. which I have seen, that upon Consideration of the Statutes of 1. Jac. and 1 Eliz. cap. 1. and 8. Eliz. cap. 1. That the Statute of 1. E. 6 was revived, and that Bishops ought not to keep Courts.



*Courts in their own Names: So that for these Reasons so neerly concerning the Right of the Crown of England in point of Episcopacy, I am against the Proposal of that Question and am for the Reteining of the London Petition, and for a thorough Reformation of all Abuses, and Grievances of Episcopacy mentioned in the Ministers Remonstrance; which Reformation may perhaps serve the turn without Alteration of the Government of England, into a form of Presbytery, as it is in other Kingdoms of Scotland, France, Geneva and the Low-Countries; which for mine own part, had I lived in these Kingdoms, I should have been of the Opinion of the Protestant party in point of Presbytery, because those Kingdoms are governed by the Civil Law, which maintains the Jurisdiction of the Pope and Papal Episcopacy, which the antient Laws of England Condemne, being likewise in themselves opposite to the Civil, and Canon Laws: And if notwithstanding all the Reformation that can be made by the Laws of this Land a better Form of Government may evidently appear unto us, concerning which there is no form now before us; It is to be taken by us into Consideration, according to that Imperial Constitution in these words, In rebus novis constituendis evidens utilitas esse debet, ut ab eo jure recedatur, quod diu æquum visum est.*

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*And so Mr Speaker, I shortly conclude that for these Reasons, omitting divers more, the London Petition is to be reteined.*

Thus did these Gentlemen who endeavoured (and afterwards obtained an Act of Parliament) to exclude the Clergy from intermeddling in Temporal affairs, thrust themselves, without thinking it Injultice, into the Determination of Ecclesiastical; and yet if it be lawful to take a measure of their abilities in Divinity, from their skill in their own profession, they will appear to be very incompetent Judges in either Case. I have hereto subjoyned a Determination of this Case of the Jurisdiction of Bishops, which I find in the Paper-Office, which will shew the Unprejudiced Reader the Error of this Gentleman's Speech in that particular.

*The Case in Parliament 4 Jacobi Regis.*

**B**y the Statute 1 *Edw.* 6. c. 2. the Bishops were to use the Kings Arms in their Seals of Offices, and to make their Citation, and Process, and Certificates in the Kings Name, upon pain of the Kings displeasure, Indignation, and Imprisonment, at his Will and Pleasure, &c.

By the Act of Queen *Maria* Sessio 2 cap. 2. the said Act of *Edw.* the 6th is expressly Repealed, and named to be repealed among other Acts of *Edw.* 6.

By the Statute of 1 *Jac.* c. 25. the aforesaid Act of 1 *Mar.* c. 2. is expressly, and by name Repealed.

Whereupon it was inferred, and objected in Parliament, That immediately from, and ever since the making of the Act of 1 *Jacobi* cap. 25. that the Act of 1 *Edw.* 6. was repealed; so the Repeal being repealed, the Act first repealed, was in force, and therefore that all the Bishops, which after the Act of 1 *Jac.* had used their own Names, and Seals, and not the Kings Name, were within the danger of 1 *Ed.* 6. and this was long stuck upon.

But at last an Answer was found, which was and is this.

By the Statute of 25 *H.* 8. c. 20. Intituled, *An Act restraining of Annates and first Fruits, &c. and Election of Bishops, &c.* in the last Clause but one of that Statute, It was enacted, That Bishops should be obeyed according to the Name, Title, Degree, and Dignity, and do, and execute the same as they might before have done; this clause is directly contrary to the said Statute of 1 *Edw.* 6. c. 2. And therefore by the making of the Act of 1 *Edw.* 6. this clause of *H.* 8. was repealed, but afterwards by the Act of 1 *Eliz.* c. 1. the said Act of 25 *H.* 8. c. 20. is revived with all Clauses, and Sentences thereof; so as before the making of 1 *Jacobi*, the Statute of 1 *Edw.* 6. had two Bars, and two Repeals. The first was the Act of 1 *Mar.* c. 2. the second was the Reviving of the Act of 25 *H.* 8. which was done by the Act of 1 *Eliz.* The first Bar and Repeal, which was the Act of 1 *Mar.* was taken away, but the second Bar, and Repeal, which was the Act of 1 *Eliz.* which did revive the Act of 25 *H.* 8. stands still, and is in force; And the



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Act of 25 H. 8. being in force, the Act of 1 Edw. 6. which is directly contrary to the Act of 25 H. 8. in the said recited Clause cannot be in Force.

And Note, That this Statute of 1 Edw. 6. for so much as concerneth *Premunire*, is repealed by the Statute of 1 Mar. Sef. 1.

And he might have been more fully informed in this particular from the Great and confessed Oracle of the Law, *Cook Inst.* f. 684, 685, 686. & *Cook lib.* 12. fol. 7. Tit. *Seals*, which the Reader, if he has occasion, may peruse at his leisure.

And had he been according to the Duty of his Profession, conversant among the Ancient Records, he would have found himself in a second Error, in asserting the Lords Spiritual to be none of the Three Estates. And to give one Instance for all, Take the Words of the Parliament Roll, where are these words which ought for ever to quiet and lay asleep this Co-ordinating Maxim. The words in English are these:

*Forasmuch as it is to be considered, that the most part of the People is not sufficiently learned in the abovesaid Laws and Customs, whereby the Truth and Right in this behalf, of likelihood may be hid and not Clearly known to all People, and thereupon put in doubt and question: And over this how that the Court of Parliament is of such Authority, and the People of this Land of such a Nature and Disposition, as Experience teacheth, that Manifestation and Declaration of any Truth or Right made by the Three Estates of this Realm Assembled in Parliament, maketh before all other things most Faith and Certainty, and quieting Mens Minds removeth the Occasion of all Doubts and Seditious Language, And therefore at the \* Request and by the Assent of the Three Estates of this Realm, that is to say, the Lords Spiritual and Temporal, and Commons of this Land Assembled in this present Parliament, and by the Authority of the same, be it Pronounced, Decreed and Declared, &c.*

Nor would he have injured the Bishop of *Exeter*, had he either Read or Understood that Book, wherein the Bishop has not one word of the Jurisdiction of Bishops being of Divine Right, more than the Apostles had in things purely Spiritual; that their Temporal Power and Jurisdiction was derived to them from the King by the Laws of the Land, no Bishop since the Reformation ever denied, and was a thing that never Entred into the Bishops heart to affirm, nor is there one syllable of that nature to be found in his Book; The Heads of which, for the Vindication of that Reverend Prelate, I have here inserted, being a Compendium of the Book.

*Episcopacy by Divine Right Asserted, by Jos. Hall, Bishop of Exon.*

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The Lords  
Spiritual one  
of the Three  
Estates.

Rot. Parl. tent.  
apud Westm. Die  
Ven. 23 die  
Jan. 1 R. 3.

\* The King is  
never in our  
Law said to  
Request, and  
so cannot be  
one of the  
Three.



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1640.

The distinction of Clergy and Laity no new thing  
 ὁ λαὶκὸς ἀν-  
 θρώπων τοῖς  
 λαϊκοῖς προ-  
 σάγμασιν δέ-  
 δεται Clem.  
 Ep. ad Co-  
 rinth in the  
 Kings Library  
 M. S. given by  
 Cyril Patriarch  
 of Constantino-  
 ple.

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The Reader may observe by the Ensuing Speech of Mr. *Plydel*, who was abundantly satisfied of the Antiquity and Superintendency of Bishops, how violent the Stream run against them by the Tenderness and Caution



Caution which he Uses, being, Even in the clearest truth, and which he undertakes to prove if permitted, afraid to speak with Courage.

1640.

Mr. Speaker,

**I** Have heard since I had the honour to sit here many Grievances presented, and truly Sir my heart bleeds within me when I think of them, especially those that concern Religion. But what should I speak of Grievances concerning Religion, when Religion it self is become a Grievance, nay the very Nurse and Mother of all Grievances, all Scandals, all Reproaches

Mr. Plydels  
Speech, Feb.  
9. 1640.

*Tantum Religio potuit suadere malorum.*

Sir, Not to trouble you with any long discourse, if I have any sight, that Barque both of Church and State hath a long time floated betwixt Scylla and Charybdis, Popery on the one side, and I know not what to call it on the other; in many respects both alike dangerous, unless the Italian Proverb may alter the Case, God defend me from my reputed Friends, and I will defend my self from my profess'd Enemies.

Sir, We are trusted by God, the King and the Country with the managing of this Bark fraught with the fortunes of three great Kingdoms: Now, should we so decline the former Rock, that we dash on the other side, I humbly offer it to this Honourable Assembly, whether she might not have just cause to say, she had changed her Pilot rather than her condition, and only shifted places to find her ruin: For Sir, there is as much beyond Truth, as on this side it; and would we steer a right course, we must be sure to keep the Channel, lest we fall from one extream to another; from the dotage of Superstition, to the frenzie of Profaneness; from bowing to Idols, to worship the Calves of our own imaginations.

Sir, I beseech you consider what Libellous Pamphlets are now printed, what Sermons are Preached, not building hay and stubble, but utterly subverting the foundations of Truth; what irreverence in Churches, what profanation of Gods Service, to the scandal of Christianity, the reproach of Religion, and the intolerable grief of all good men; of which I may take up the words of Petrus de Aliaco to the Council of Constance, *Nili celeriter fiat Reformatio, audeo dicere quòd licet magna sint quæ videmus, tamen in brevi incomparabilia majora videmus, & post ista tam horrenda majora alia audiemus.*

Sir, I take God to record, I am no mans Advocate, no mans enemy, but a faithful lover of Truth and Peace, and a dutiful Son of our distressed Mother, the Church of England; in whose behalf, and our own, my motion shall be shortly this, That the Ministers Petition, with so much of their Remonstrance as hath been read, may be committed, and the rest of it, concerning matter of Doctrine, may be referred to some learned and approved Divines, who have spent their time in that noble study. For, give me leave to tell you, there is a vulgus among the Clergy, as among the Laity, *Et in utroque nil modicum*; and for these and all things which strike at the root and branch, as they please to call it, I shall humbly move, that we rather consider how to satisfy the Petitioners with some timely declaration from both houses of the lawfulness and conveniency of Episcopal Government, derived from the Apostles, and so long established in this Kingdom, rather than to venture upon any alteration, the consequence whereof the wisest man cannot fore-see. And in truth, Sir, should we once begin (for my own part) I know not how, or where we should stay. Nevertheless, if any one doubt the superiority of Bishops over Priests and Deacons in Ecclesiastical Government, or in ordination, I shall be ready, whensoever this House shall command me, to make it good, and I think, by as pregnant testimonies as we are able to prove the difference betwixt Canonical and Apocryphal Scripture, the necessity of Infants baptisme, or that the Apostles were the Authors of their own Creed. But, Sir, I hope you will save your self and me that labour, and rather devise of some set way to bind up the Churches wounds, which (God knows) are too wide already, that so the Clergy and Laity being made friends, and all reduced to the model of Our Ancestors since the Reformation, we may altogether preserve the unity of the Spirit in the bond of Peace; and so his Majesty having grationally and prudently exprest himself, I am the more confident we shall not only put an end to all mis-intelligence betwixt Prince and People, but also highly advance the Protestant cause, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the House, for God is my witness, *non potui aliter liberare animam meam.*

The



1640.



The Lord  
Falklands  
Speech Feb. 9.  
1640.

The Lord *Falkland* also had his share in this Dayes Debate, as appears by this Speech :

Mr. *Speaker*.

**H**E is a great stranger in *Israel* who knows not that this Kingdome hath long laboured under many and great oppressions, both in Religion and Liberty : and his acquaintance here is not great, or his ingenuity less, who doth not both know and acknowledge that a great, if not a principal, cause of both these have been some Bishops and their adherents.

Mr. *Speaker*, a little search will serve to find them to have been the destruction of unity ; under pretence of uniformity, to have brought in superstition and scandal ; under the Titles of reverence and decency, to have defil'd our Church ; by adorning our Churches, to have slackned the strictness of that union which was formerly between us and those of our Religion beyond the Sea ; an action as unpolitick as ungodly.

Mr. *Speaker*, We shall find them to have Tith'd Mint and Anise, and have left undone the weightier works of the Law ; to have been less eager upon those who damn our Church, then upon those who, upon weak conscience, and perhaps as weak reasons (the dislike of some commanded garment, or some uncommanded posture) only abstained from it. Nay, it hath been more dangerous for men to go to some neighbours Parish, when they had no Sermon in their own, then to be obstinate and perpetual Recusants ; while Masses have been said in security, a Conventicle hath been a Crime, and which is yet more, the conforming to Ceremonies hath been more exacted then the conforming to Christianity ; and whilst men for scruples have been undone, for attempts upon *Sodomy* they have only been admonished.

Mr. *Speaker*, We shall find them to have been like the Hen in *Aesop*, which laying every day an Egg upon such a proportion of Barley, her Mistress increasing her proportion in hope she would encrease her Eggs, she grew so fat upon that addition, that she never laid more : so though at first their Preaching were the occasion of their preferment, they after made their preferment the occasion of their not Preaching.

Mr. *Speaker*, We shall find them to have resembled another fable, the dog in the manger ; to have neither Preached themselves, nor employ'd those that should, nor suffered those that would : to have brought in Catechising only to thrust out Preaching, cried down Lectures by the name of Factions, either because their industry in that duty appeared a reproof to their neglect of it, (not unlike to that we read of him, who in *Nero's* time and *Tacitus* his story was accused, because by his vertue he did appear *Exprobrare vitia Principis*) or with intention to have brought in darkness, that they might the easier sow their Tares, while it was Night ; and by that introduction of ignorance, introduce the better that Religion which accompts it the Mother of devotion.

Mr. *Speaker*, In this they have abused his Majesty, as well as his People, for when they had with great Wisdom (since usually the Children of darkness are wiser in their generation then the Children of light ; I may guess not without some eye upon the most politick action of the most politick Church) silenced on both parts those opinions which have often tormented the Church, and have, and will always trouble the Schools, they made use of this declaration to tie up one side, and let the other loose, whereas they ought either in discretion to have been equally restrained, or in Justice to have been equally tolerated. And it is observable, that that party to which they gave this Licence, was that whose doctrine, though it were not contrary to law, was contrary to custome, and for a long while in this Kingdom was no oftner preached then recanted.

The truth is, Mr. *Speaker*, that as some ill Ministers in our state first took away our mony from us, and after indeavoured to make our mony not worth the taking, by turning it into brasse by a kind of *Antiphilosophers-stone* : so these men used us in the point of Preaching, first depressing it to their power, and next labouring to make it such, as the harm had not been much if it had been depressed, the most frequent Subjects even in the most sacred Auditories, being the *Jus divinum* of Bishops and Tithes, the sacredness of the Clergy, the sacriledge of impropriations,



priations, the demolishing of Puritanism and propriety, the building of the Prerogative at *Pauls*, the introduction of such doctrines, as, admitting them true, the truth would not recompence the scandal; or of such as were so far false, that, as Sir *Thomas Moore* sayes of the *Casuits*, their business was not to keep men from sinning, but to enforme them *Quàm propè ad peccatum sine peccato liceat accedere*: so it seemed their work was to try how much of a *Papist* might be brought in without *Popery*, and to destroy as much as they could of the Gospel, without bringing themselves into danger of being destroyed by the Law.

Mr. *Speaker*, To go yet further, some of them have so industriously laboured to deduce themselves from *Rome*, that they have given great suspicion that in gratitude they desire to return thither, or at least to meet it half way: Some have evidently labour'd to bring in an *English*, though not a *Roman* *Popery*: I mean not only the outside and drefs of it, but equally absolute; a blind dependance of the people upon the Clergy, and of the Clergy upon themselves; and have opposed the Papacy beyond the Sea, that they might settle one beyond the water. Nay, common fame is more than ordinarily false, if none of them have found a way to reconcile the opinions of *Rome* to the preferments of *England*; and be so absolutely, directly and cordially *Papists*, that it is all that fifteen hundred pounds a year can do to keep them from confessing it.

Mr. *Speaker*, I come now to speak of our Liberties; and considering the great interest these men have had in our common Master, and considering how great a good to us, they might have made that interest in him, if they would have used it to have informed him of our general sufferings; and considering how little of their freedom of Speech at *Whitehall* might have saved us a great deal of the use we have now of it in the Parliament-house, their not doing this alone were occasion enough for us to accuse them as the betrayers, though not as the destroyers of our Rights and Liberties: Though, I confess, if they had been only silent in this particular, I had been silent to; But, alas, they whose Ancestors in the darkest times excommunicated the breakers of *Magna Charta*, did now by themselves, and their adherents, both write, preach, plot, and act against it, by encouraging Doctor *Beale*, by preferring Doctor *Mannering*, appearing forward for Monopolies and Ship-money: and if any were slow and backward to comply, blasting both them and their preferment, with utmost expression of their hatred, the Title of Puritans.

Mr. *Speaker*, We shall find some of them to have labour'd to exclude both all persons, and all causes of the Clergy, from the ordinary jurisdiction of the Temporal Magistrate, and by hindring prohibitions (first by apparent power against the Judges, and after by secret agreements with them) to have taken away the only legal bound to their arbitrary power, and made as it were a conquest upon the common law of the Land, which is our common inheritance; and after made use of that power to turn their brethren out of their freeholds, for not doing that which no law of man required of them to do; and which (in their opinions) the law of God required of them not to do. We shall find them in general to have encouraged all the Clergy to suites, and to have brought all suites to the Council-Table, that having all power in Ecclesiastical matters, they laboured for equal power in Temporal, and to dispose as well of every Office, as of every Benefice, which lost the Clergy much renew, and much reverence, (whereof the last is never given when it is so asked,) by encouraging them indiscreetly to exact more of both than was due; so that indeed the gain of their greatness extended but to a few of that order, though the envy extended upon all.

We shall find of them to have both kindled and blown the common fire of both Nations, to have both sent and maintained that book, of which the Author no doubt hath long since wish'd with *Nero*, *Utinam nescissem literas*! and of which more than one Kingdom hath cause to wish, that when he writ that, he had rather burn'd a Library, though of the value of *Ptolemie's*. We shall find them to have been the first and principal cause of the breach, I will not say of, but since the pacification at *Berwick*. We shall find them to have been the almost sole abettors of my Lord of *Strafford*, whilest he was practising upon another Kingdom that manner of Government which he intended to settle in this, where he committed so many, so mighty, and so manifest enormities and oppressions, as the like have not been committed by any Governour in any government, since *Verres* left *Sicily*.

And



1640.

And after they had called him over from being Deputy of *Ireland*, to be in a manner Deputy of *England*, (all things here being govern'd by a *Juntillo*, and that *Juntillo* govern'd by him) to have assisted him in the giving of such Counsels, and the pursuing of such courses, as it is a hard and measuring cast, whether they were more unwise, more unjust, or more unfortunate, and which had infallibly been our destruction, if by the grace of God, their share had not been as small in the subtilty of Serpents, as in the innocency of Doves.

Mr. *Speaker*, I have represented no small quantity, and no mean degree of guilt; and truly I believe that we shall make no little complement to those, and no little apologie for those to whom this charge belongs, if we shall lay the faults of the men upon the order of the Bishops, upon the *Episcopacy*. I wish we may distinguish between those, who have been carried away with the stream, and those who have been the stream that carry'd them; between those whose proper and natural motion was towards our ruine and destruction, and those who have been whirl'd about to it, contrary to their natural motion, by the force and swinge of Superiour *Orbes*: and as I wish we may distinguish between the more and less guilty; so I yet more wish we may distinguish between the guilty and the innocent.

Mr. *Speaker*, I doubt, if we consider that if not the first Planters, yet the first Spreaders of Christianity, and the first and chief Defenders of Christianity against Heresies within, and Paganisme without, both with their Ink and with their blood; and the main conducers to the resurrection of Christianity, (at least) here in the reformation (and we owe the light of the Gospel, we now enjoy to the fire they then endur'd for it,) were all Bishops: and that even now in the greatest perfection of that order, there are yet some who have conduc'd in nothing to our late innovations, but in their silence; some, who in an unexpected and mighty place and power, have expressed an equal moderation and humility, being neither ambitious before, nor proud after, either of the Crosiers staff, or white staff: some who have been learned opposers of Popery, and zealous opposers of *Arminianisme*; between whom, and their inferiour Clergy, in frequency of Preaching hath been no distinction; whose lives are untouched, not only by guilt, but by malice; scarce to be equall'd by those of any condition, or to be excell'd by those in any Calendar. I doubt not, I say, but if we consider this, this consideration will bring forth this conclusion, That Bishops may be good men, and let us give but good men good rules, we shall have both good Governours and good times.

Mr. *Speaker*, I am content to take away all those things from them which, to any considerable degree of probability, may again beget the like mischiefs, if they be not taken away. If their temporal titles, power and employment, appear likely to distract them from the care of, or make them look down with contempt upon their Spiritual duty, and that the too great distance between them and those they govern will hinder the free and fit recourse of their inferiours to them, and occasion insolence from them to their inferiours; let that be considered, and car'd for; I am sure neither their Lordships, their judging of Tythes, Wills and Marriages, no nor their Voices in Parliaments are *Jure divino*; and I am as sure that these Titles, and this power are not necessary to their authority, as appears by the little they have had with us by them, and the much that others have had without them.

If their renew shall appear likely to produce the same effects, (for it hath been anciently observ'd, that *Religio peperit divitias, & Filia devoravit matrem*;) let so much of that, as was in all probability intended for an attendant upon their temporal dignities, wait upon them out of the doors: Let us only take care to leave them such proportions, as may serve in some good degree to the dignity of learning, and the encouragement of students; and let us not invert that of *Jeroboam*, and as he made the meanest of the People Priests, make the highest of the Priests the meanest of the People.

If it be feared that they will again employ some of our Laws with a severity beyond the intention of those Laws against some of their weaker Brethren; that we may be sure to take away that power, let us take away those Laws, and let no Ceremonies which any number counts unlawful, and no man counts necessary (against the rules of *Policy*, and Saint *Paul*) be imposed upon them. Let us consider, that part of the rule they have hitherto gone by, that is, such Canons of their



own making as are not confirm'd by Parliament, have been, or, no doubt, shortly will be by Parliament taken away: that the other part of the rule (such Canons as were here received before the reformation, and not contrary to any Law,) is too doubtful to be a fit rule, exacting an exact knowledge of the Canon-law, of the Common-law, of the Statute-law knowledges, which those who are thus to govern have not, and it is scarce fit they should have. Since therefore we are to make new rules, and shall, no doubt, make those new rules strict Rules, and be infallibly certain of a Triennial Parliament, to see those rules observ'd as strictly as they are made, and to encrease or change them upon all occasions; we shall have no reason to fear any innovation from their Tyranny, or to doubt any defect in the discharge of their duty: I am confident, they will not dare, either ordain, suspend, silence, excommunicate, or deprive otherwise, then we would have them. And if this be believed, I am as confident, we shall not think it fit to abolish, upon a few days debate, an Order which hath lasted (as appears by story) in most Churches these sixteen hundred years, and in all from Christ to Calvin; or in an instant change the whole face of the Church, like the scene of a Mask.

Mr. Speaker, I do not believe them to be *Jure divino*, nay, I believe them not to be *Jure divino*, but neither do I believe them to be *Injuriâ humanâ*. I neither consider them as necessary, nor as unlawful, but as convenient or inconvenient: but since all great mutations in government are dangerous, (even where what is introduc'd by that mutation, is such as would have been very profitable upon a primary foundation) and since the greatest danger of mutations is, that all the dangers and inconveniences they may bring are not to be foreseen; and since no wise man will undergo great danger but for great necessity; my opinion is, that we should not root up this ancient tree, as dead as it appears, till we have tryed whether by this, or the like lopping of the branches, the sap which was unable to feed the whole, may not serve to make what is left, both grow and flourish. And certainly, if we may at once take away both the Inconveniences of Bishops, and the Inconveniences of no Bishops, that is of an almost Universal mutation; this course can only be apposed by those who love mutation for mutation sake.

Mr. Speaker, To be short, (as I have reason to be after having been so long) that this Trial may be suddainly made, let us commit as much of the Ministers *Remonstrance* as we have read, that those Heads both of Abuses and Grievances which are there fully collected, may be marshall'd and ordered for our debate: if upon the Debate it shall appear, that those may be taken away, and yet the Order stand, we shall not need to commit the *London Petition* at all: for the Cause of it will be ended; if it shall appear, that the abolition of the one cannot be but by the destruction of the other, then let us not commit the *London Petition*, but let us grant it.

Mr. Grimston also spoke upon this Occasion as followeth, against the Root and Branch Men.

Mr. Speaker,

These two honourable Lords, Lord Digby and Lord Faulkland, that spake last, have not only prevented me in much I intended to have spoken my self, but they have likewise taught me much I knew not before; Therefore it is not much you can expect from me: All that I shall say at this time, is rather to prepare the matter for the Question, which hath already been so learnedly debated by them, than to speak any thing of the matter it self. I must confess, when I look upon the Bishops, or at least, upon some of them, and the way of their Government, and the Sufferings of the People, under their Tyranny; I wonder not at all at the multitude of Petitioners and Petitions, that have this Parliament been preferred against them, and that they all cry out, Crucifie, Crucifie, or that they would have been up by the Roots; but it is necessary we should distinguish between the persons of the Bishops, which are so obnoxious, and their Functions and Offices; for there is no more weight in the Argument, that because the Bishops have done amiss, therefore take away Episcopacy, than there is in it, because the Judges of the Common Law are in fault, therefore take away Judges, and take away the Common-Law: For my own part, I conceive it an easier matter, and safer for us, (*Addere Inventis*) to reform what is amiss in them and their Government, then (*Creare Novum*) to set up

Mr. Grimston's Speech, Feb. 9. 1640.



1640.

a new Form of Government, which we have had no experience of, nor do we know how it should suit either with the humours of the People, or with the Monarchical Government; And it may be the new Government which is so much desired, if it be brought in upon the grounds and foundations that some would have it, it will be out of our powers ever to master it again. Whereas on the other side, the Government which is already established, if the Governours exceed their bounds, they may fall into a Præmunire, and other penalties which the Law hath provided in that Case; and if that be not sufficient, we have yet another hanck upon them, for our Parliaments have continually a command over them.

Then, Sir, It may be demanded of me of their being so much amiss, What is that I would have done?

Truly, Sir, I am of opinion, that much must be done, or else we had as good do nothing.

Therefore I come to the particulars, Church Government may be compared to a Castle; let a Castle be never so strong, once in Four score Years (for so long it is since the first Reformation) it may need Repair; and it is not the Castle alone, I mean the Government, that needs Repair, but likewise the Governours themselves, who most wickedly and trayterously have turned their Canons upon us, which should have been used for our defence.

In the first place therefore I conceive it not onely convenient, but of absolute necessity, the payring of their excrescences, I mean their Temporal Jurisdiction. I must confess, I know not to what purpose they should sit upon our Benches at our Sessions of the Peace, and Gaol-Deliveries, or in the Star-Chamber; for by woful experience, we find that their Judgments are guided there more by their boundless Wills, and fiery transported Passions, than by Reason, and the rule of Law, which ought to have been their director. I conceive that of less use their sitting at the Councel Board, to be there at the Helm to guide and steer the Temporal Affairs of the Common-wealth, certainly that is not the Plough they ought to follow; and by the neglecting of it, that is the reason that so many briers, brambles, and stinking weeds, are sprung up in Gods House, the Church, to the great destruction of all his Majesties Kingdoms here at home, and the great wonder and amazement of all the Reformed Churches abroad.

And I conceive it of the least use of all their sitting in Parliaments, as powers to give their Voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or at least, some of them might alway be present there as Assistants, to give their Advice in Spiritual Matters when they are thereunto required by the Lords, as the Justices do in Temporal.

In the next place I conceive it of as absolute necessity, the taking off the Jurisdiction of the High Commission Court, or at least, to limit and bound it, that it may (quadrare) with the great Charter of our Liberties, and the Laws of this Kingdom.

This Court hath for many years together, ridden upon the back of the Common Law Courts, which ought to have been subservient to them. Each River must be kept within its own bounds, and it is impossible to have two Suns shine together in one Firmament.

They have likewise many superfluous Courts, which I conceive might very well be spared, as their Official Courts, and Commissary Courts. Sir, they are no better than cozening Lotteries, where the Kings Subjects are deprived of their Moneys, and where their Judges and Inferiour Officers do, like Physitians that alway cure themselves, though they destroy their Patients: I confess, I could willingly give my consent that they should keep their Chancellors Court, and an Archdeacon Court, if such limits and bounds were put upon them, as by the Wisdom of this House may easily be done.

The Chancellor is (Custos Conscientiæ) the Keeper of the Bishops Conscience; and the Arch-Deacon is (oculus Episc.) the Bishops eye; And as I would not take away their Consciences or their Eyes, so I would not have them like Briarius have their finger in every business. Thus, Sir, I have shortly presented you with my Opinion, that is, that I am not willing that it should be referred to, or committed upon the point of Subversion, but I am willing it should be referred upon the point of Reformation. And if the Sence of the House shall run that way, I doubt not but at the Committee I shall make it manifest, that my Heart stands affected with as much Zeal for the having a Reformation, as any man that sits within these Walls.

So hard a tugg it seems had the Loyal and Orthodox Party in the  
So



House of Commons to hinder the prevailing Faction from proceeding to the Extirpation of Root and Branch of Episcopacy; and the opposition they found even beyond their Expectations from some persons, as the Lord *Faulkland*, *Digby*, *Mr. Grimston*, and others, who were of the King's Mind for Reformation not Extirpation, though it hindred them at the present from running to Extremities, yet it put them upon other arts and practices for the accomplishment of this great Design, as we shall see hereafter.

However at the last *Sir Thomas Roe*, *Mr. Hollis*, *Mr. Palmer*, *Mr. Holborn*, *Mr. Fiennes*, and *Sir H. Vane*, were added to the Committee of 24, and ordered to take into consideration the *London Petition*, and the *Ministers Remonstrance* about Church Government.

The *Petition of Lancashire* was also read and referred to the Committee for Scandalous Ministers.

The Archbishop of *Armagh* complained of a Scandalous Book published in his Name, viz. *Directions to the Houses of Parliament concerning the Liturgie and Episcopal Government*; upon which it was ordered to be suppressed.

This Day *Charles L. De Grey* was introduced with the accustomed Ceremony into the House of Lords, and placed next below the Lord *Dacres*; his Writ bears Date 6. Feb. 1640.

This Day also his Majestie came to the House of Lords, and upon the Occasion of the Marriage intended between the Lady *Elizabeth* the Kings Eldest Daughter, and the Prince of *Orange*, he made this Speech to the Lords.

My Lords,

**T**hat Freedom and Confidence which I expressed at the beginning of this Parliament to have of your Love and Fidelity towards my Person and Estate, hath made me at this time come hither to acquaint you with that Alliance and Confederacy which I intend to make with the Prince of Orange and the States; which before this time I did not think Expedient to do, because that part I do desire your Advice and Assistance upon, was not ready to be treated on.

I will not trouble you with a long Digression, by shewing the steps of this Treaty, but leave you to be satisfied in that, by those who under me do manage that affair; only I shall shew you the Reasons which have induced me to it, and in what I Expect your Assistance and Counsel.

The Considerations that have induced me to it are these,

First, The Matter of Religion; here needs no Dispensation; no fear that my Daughters Conscience may be any way perverted.

Secondly, I do Esteem that a strict Alliance and Confederacy with the States will be as useful to this Kingdom as that with any of my Neighbours; Especially considering their Affinity Neighbourhood and way of their Strength.

And lastly, (which I never must forget in these Occasions) the Use I may make of this Alliance towards the Establishing of My Sister and Nephews.

Now to shew you in what I desire your Assistance, You must know, That the Articles of Marriage are in a manner concluded, but not to be totally ratified until that of Alliance be ended and agreed; which before I demanded your Assistance, I did not think fit to Enter upon. And that I may not leave you too much at large how to begin that Counsel, I present you here the Pro-

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positions

I 6 4 C.

London Petition and Ministers Remonstrance referred to a Committee.

Lancashire Petition.

Arch-Bishop of Armagh.

Lord Grey introduced.

Wednesday; Feb. 10.

The Kings Speech to the Lords, about the Match between the Lady Elizabeth and the Prince of Orange.



1640.

positions which are offered to me by the States Ambassadors for that intent.

*And so, my Lords, I shall only desire you to make as much Expedition in your Counsels as so great a business shall require, and shall leave your Lordships to your own free debate.*

Nevil Discharged.

Thursday, Feb. 11.

Friday, Feb. 12.

This Day Mr. Nevil formerly committed about breach of Priviledg, was upon his Petition discharged from his Imprisonment in the Tower.

At a Conference with the Lords about the 7. Articles of the Scots Demands, the agreement was by the House of Commons assented to.

This Day the House of Lords Debated the Four Propositions which the States of *Holland* presented to his Majestie by their Ambassadors here the Lords *Sommerdick* and *Joachim*.

The Propositions were these :

Propositions of the States of *Holland* to the King.

*To make proof how much the States do reverence the Honor of his Majesties Friendship, and do fear to be removed from it, they have given Charge and full Power to present to his Majestie the choice of one of the four Conditions which follow, according to the convenience of his Affairs. Viz.*

1. *Of a League Offensive and Defensive against the King of Spain and his Adherents.*

2. *Of a Defensive for Mutual Defence against all Assaults of Strangers by open War, perpetual, or for a time.*

3. *Of a Reciprocal Promise only, not to assist in any manner the Enemies one of another.*

4. *Or finally, To agree upon a prefixed time to meet hereafter together, to the End to Advise of some Expedient and Means to secure England, and the United Provinces, against the Forces and Practices of their Enemies.*

How differing the Severity of the Times against the Ecclesiasticks and the Sectaries was, will appear by the subsequent Censure of the House against Dr. *Pocklington*.

The said Doctor was by Petition accused by one *Harvy* his Parishioner, for a great Introducer of Innovations and Idolatry, and for two Books, the one called *Altare Christianum*; the other, *Sunday no Sabbath*, for which he was Sentenced in the House of Lords :

Dr. Pocklington's Sentence.

1. *That the said Dr. Pocklington is prohibited from ever coming within the Verge of the Kings Court.*

2. *That he is deprived of all his Ecclesiastical Livings, Dignities and Preferments.*

3. *That he is disabled and held incapable hereafter to hold any Place or Dignity in Church or Commonwealth.*

4. *That his two Books be publicquely burnt in the City of London, and the Two Universities, by the hand of the Common Executioner.*

After which the said Doctor being brought to the Barr, the Lord Keeper by the Directions of the House pronounced the aforesaid Sentence upon him.

Friday, Feb. 12. Petition of *Glocester*.

A Petition from the City of *Glocester* read and referred to the Committee for the Bishop of *Bath* and *Wells*; and the Committee of 24 to make use of so much of it as will conduce to the preparing of the Remonstrance.

Mr. *Hide* Reports the state and nature of the Charge against Judge *Berkley*



Berkley, but it is not Entred upon the Journal, but upon that the House Voted,

*That Sir Robert Berkley shall in the Name of all the Commons of England be accused of High Treason, and other Great Misdemeanors, and Sir John Culpeper is Ordered to go with this Message to the Lords, to desire that he may be forthwith Committed, and in convenient time this House will resort to their Lordships with particular Articles against him. Which was accordingly agreed to by the Lords; and it was Ordered, That he be Committed to the Elder Sheriff of London for his Safe Custody; and he was Committed accordingly until further Order.*

The Bill for the Kings Army with the amendments passed, and sent up to the Lords for their Concurrence.

Sir Gamaliel Capel discharged without paying any Fees, it appearing upon a full Examination that he was no Delinquent.

A Bill was brought in for abolishing Superstition and Idolatry, and for advancing the Worship and Service of God, read twice and committed to

|                       |                       |                                                          |
|-----------------------|-----------------------|----------------------------------------------------------|
| Sir Robert Pye,       | Mr. Potts,            | Sir Richard Buller,                                      |
| Mr. Whitehead,        | Sir Guy Palmes,       | Sir Roger North,                                         |
| Mr. Cradock,          | Mr. Pym,              | Mr. Hambden,                                             |
| Mr. Cary,             | Sir John Hotham,      | Sir Tho. Widdrington,                                    |
| Sir William Lewis,    | Lord Falkland,        | Mr. Hide,                                                |
| Mr. Cromwell,         | Mr. Broxholm,         | Mr. Rouse,                                               |
| Sir Anthony Irby,     | Sir Gilb. Gerard,     | Mr. Mallory,                                             |
| Mr. Vaughan,          | Sir William Massam,   | Sir Richard Lewson,                                      |
| Sir William Bowyer,   | Sir Tho. Barrington,  | Mr. Trenchard,                                           |
| Mr. Halcher,          | Sir Edward Deering,   | Mr. Hollis,                                              |
| Sir Christopher Wray, | Sir Tho. Hutchinson,  | Mr. Millington,                                          |
| Mr. Fiennes,          | Mr. Evelyn,           | Mr. Pierrepoint,                                         |
| Lord Fairfax,         | Mr. Perd,             | Sir Simon D'Ewes,                                        |
| Sir Henry Mildmay,    | Mr. Goodwin,          | Sir John Culpeper,                                       |
| Lord Ru'hyn,          | Sir Arthur Haslerigg, | Mr. Norton,                                              |
| Mr. Selden,           | Mr. Jo. Moore,        | Mr. Pury,                                                |
| Sir Robert Harlow,    | Mr. Noel,             | Sir Jo. Clotworthy,                                      |
| Mr. Wheeler,          | Mr. Cecil,            | Sir Tho. Herle,                                          |
| Mr. Ash,              | Mr. White,            | Sir Tho. Smith,                                          |
| Sir Edm. Mountfort,   | Sir Edm. Varney,      | Mr. Young,                                               |
| Mr. Hussy,            | Mr. Shuttleworth,     | Sir William Litton,                                      |
| Mr. Kirton,           | Ald. Pennington,      | Sir Nevil Pool.                                          |
| Mr. Dutton,           | Mr. Hill,             | And all that will come to have Voices at this Committee. |

It was Ordered in the Lords House, *That a Proclamation shall be made to Summon the Lord Finch, late Lord Keeper, to appear personally before the Lords in Parliament, to answer to an Accusation of High Treason brought against him by the Commons.*

A Conference with the Lords to move the King to pass the Bills for Relief of the Army and Triennial Parliaments, and the Lords to be desired to move his Majesty to pass them together.

The King being come to the House of Lords, and the Commons being sent for up by the Black Rod, and accordingly attending at the Barr of the Lords House, his Majesty graciously passed the Bill for Triennial Parliaments, upon which occasion he made this following Speech to both the Houses.

My

I 6 4 0.

Judge Berkley  
to be Im-  
peached.

Saturday;  
Feb. 13.

A Bill for abo-  
lishing super-  
stition, &c.

A Proclamati-  
on to summon  
the Lord  
Finch.

Monday;  
Feb. 15.



1640.

The Kings  
Speech at the  
passing the  
Bill for Trien-  
nial Parlia-  
ments, Feb.  
15. 1640.

My Lords, and you the Knights, Citizens, and  
Burgesses of the House of Commons,

**Y**OU may remember when both Houses were with Me at the Banqueting-House at Whitehall, I did declare unto you two Rocks I wished you to eschew, this is one of them, and of that consequence, that I think never Bill passed here in this House of more favour to the Subjects then this is, and if the other Rock be as happily passed over as this shall be at this time, I do not know what you can ask for ought I can see at this time, that I can make any question to yield unto: Therefore I mention this to shew unto you the sence that I have of this Bill, and Obligation as I may say that you have to me for it, for hitherto, to speak freely, I have had no great encouragement to do it; if I should look to the outward face of your actions or proceedings, and not look to the inward intentions of your hearts, I might make question of doing it.

Hitherto you have gone on in that which concerns your selves to amend, and not in those things that meerly concerns the strength of this Kingdom, neither for the State, or my own particular.

This I mention, not to reproach you, but to shew you the state of things as they are, you have taken the Government all in pieces, and I may say it is almost off the hinges.

A skilful Watchmaker to make clean his Watch, he will take it a sunder, and when it is put together, it will go the better, so that he leave not out one pin of it.

Now as I have done all this on my part, you know what to do on yours; and I hope you shall see cleerly that I have performed really what I expressed to you at the beginning of this Parliament, of the great trust I have of your affections to me, and this is the great expression of trust, that before you do any thing for me, I do put such a confidence in you.

It was this day moved in the House of Lords, That the House should appoint some few Lords to desire his Majesty to sign no Conditions of Marriage, before the Treaty and Articles of Confederacy with the States of *Holland*, but that both may be done together.

Mr. *Thomas Gowler* Minister, Ordered to be bailed.

A Petition in the name of the Inhabitants of *Wales*, complaining of the Grievances in the Church, Prelates and Ceremonies, which was then the only Language of Petitions, was read, and referred to the Committee for the *Ministers Remonstrance*.

The Lords sent to acquaint the House with their great joy, for his Majesties passing the Bill for Triennial Parliaments, and desire, That it may be expressed by the publick Testimonies of Joy, Ringing of Bells and Bonfires in the Cities of *London* and *Westminster*, and that the Commons would joyn with them to give his Majesty humble thanks. To which the Commons returned Answer, That they were upon the same business, and would joyn with their Lordships at what time and place shall be appointed.

Lord Chief Justice of the *Common-Pleas*, and Judge *Heath*, bring this Message from the Lords, That having deputed some of their House to Attend his Majesty to know his Pleasure when he would be attended by his Two Houses, to return their humble thanks for Passing the Bill for Triennial Parliaments, that his Majesty had appointed them to wait upon him in the

Motion to  
sign Condi-  
tions of Mar-  
riage and  
Treaty with  
*Holland* toge-  
ther.

*Gowler* Clerk  
bailed.  
Tuesday, Feb.  
16.  
*welch* Petition.

Message from  
the Lords to  
return the  
King thanks.

Commons  
Answer.



the Banquetting House at White-Hall, at two of the Clock, and therefore they conceive it is fit that the Lord Keeper return thanks to his Majesty in the name of both Houses; That in Order thereunto, they have prepared a form for that purpose, but leave it to this House to make such alterations as they shall think fit. Whereupon the Lord Chief Justice Banks was desired to read it, and the House agreed to it.

The Two Houses accordingly attended his Majesty in the Banquetting House, the Lord Keeper *Littleton* in their names returned thanks to his Majesty in *hæc verba*.

May it please your Majesty,

**I** Am to give your Majestie most humble and hearty Thanks in the Name of both Houses of Parliament, and this whole Kingdom, for the Speedy and Gracious Royal Assent unto the Bill Entituled, An Act for preventing of Inconveniencies happening by the long intermission of Parliaments, which as it is of singular Comfort and Security for all your Subjects for the present, so they are confident, it will be of Infinite Honour and Settlement for your Majesties Royal Crown and Dignity, as well as Comfort to their Posterity.

It might well have been conjectured that this free and gracious concession of his Majesty to establish a certainty for future Parliaments, the want of which had been Esteemed the Fountain of all the Grievances of the Nation, would have given an intire satisfaction to all his Subjects, and for ever have laid asleep those fears and jealousies the uneasie Companions of a disturbed Government, but Ambition that boundles Drop-sie of aspiring men, which is so far from being quenched with the greatest acquisitions, that its thirst is rather augmented then satisfied, was not at all contented with this Bounty of his Majesty, but like the Sea that unruly Element grew only stronger to invade the Banks of Sovereignty by drinking up whole Rivers of the Royal Bounty, till at last like that ungrateful incroacher, it deluged and drowned its Benefactor. You shall hear the fence of that Royal Pen, who best knew his own heart in granting, and suffered the most severely for his Condescensions, by the barbarous wickedness of Ingrateful Men.

That the World, saith his late Majesty, might be fully confirmed in my purposes at first to contribute, what in Justice, Reason, Honour and Conscience I could to the happy success of this Parliament (which had in me no other design but the general good of My Kingdoms) I willingly passed the Bill for Triennial Parliaments: which as gentle and seasonable Physick might (if well applyed) prevent any Distempers from getting any head or prevailing; Especially if the Remedy proved not a disease beyond all Remedy

I conceived this Parliament would find work with convenient recesses for the first thee years; but I did not imagin that some men would thereby have occasioned more work then they found to do, by undoing so much as they found well done to their hands, such is some mens activity that they will needs make work rather then want it, and chuse to be doing amiss rather then do nothing.

And as the Reader shall easily observe, these Popular men, never made any real return of gratitude to his Majesty; but made use of his Gracious Condescensions, only as Encouragements to their Party to ask with Confidence; and for Stairs, by which their Ambition might ascend at least to a Partnership in the Throne.

I 6 4 0.

The Thanks of both Houses returned by the Lord Keeper to his Majesty for passing the Bill for Triennial Parliaments.

EIKON BASILIKH upon his Majesties passing the Bill for Triennial Parliaments. &c.

The



1640.

Wednesday,  
Feb. 17.  
Thursday,  
Feb. 18.

Friday, Feb.  
19. Petitions  
Cheshire and  
Devon.

Dr. Pockling-  
ton's Petition  
rejected.  
Earl Marshall's  
Court.

Lord Keeper  
Littleton in-  
troduced a  
Baron.

The Ceremo-  
ny.

Saturday,  
Feb. 20.  
Two Subsi-  
dies more Vo-  
ted in the  
House of  
Commons.

The Streets of *London* were all in a blaze and the Bells proclaimed the Joy, as well as the Tongues of the Party, rather of a Triumph for Victory, than an acknowledgment for Royal Bounty.

*Wednesday* was taken up with propositions how to bring in money upon the Credit of the Bill for the four Subsidies, and *Thursday* about the Earl of *Strafford*, concerning whom there was a conference with the Lords, in Order to move his Majesty that he might be Sequestred from his Offices and Commands.

Petitions from the Inhabitants of *Cheshire* and *Devonshire* were this day read, being all of the same Leaven, and as Sir *Edward Deering* called the *Kentish* Petition, the *Spawn* of the *London* Petition, and were therefore referred to the Consideration of the Committee for the Ministers Remonstrance.

Amidst all these Petitions Dr. *Pocklington* preferred one to the Lords, but it was rejected, upon reading.

The House of Commons then fell into Debate about the Earl Marshal's Court, upon which it was

Resolved upon the Question,

1. *That the Constable and Earl Marshal's Court have no Jurisdiction to hold Plea of Words.*

Resolved, &c.

2. *That the Earl Marshal can hold no Court without the Constable.*

Resolved, &c.

3. *That the Earl Marshals Court is a Grievance, and the Committee to which it is referred, are to consider, 1. Who they are that are Guilty of this Grievance. 2. To enquire into the Nature of the Crime of those persons that have laid this Grievance upon the Subject. 3. To consider of some Fit way for Reparations to be made to the Parties grieved; and to prepare a Charge against those that have thus to the Grievance of the Subject Usurped this Jurisdiction, in order to have it transmitted to the Lords.*

This Day the Lord Keeper *Littleton* being created by his Majestie Baron of *Mounslowe*, was introduced as a Peer of the Realm into the House of Lords, which in regard of the Difference of the Ceremony from the rest, I think will not be amiss to insert.

His Lordship was brought into the House between the Lord *Willoughby de Eresby*, and the Lord *Grey de Werk*, being all in their Robes, and the Lord Keeper carrying the Great Seal in his Arms, the Gentleman Usher with his Black Rod, Garter Principal King of Arms, the Lord Great Chamberlain with his White Staff, and the Earl Marshal going before him, came to the Woolfack, where *Gatter* delivered him his Patent of Creation, and Writ of Summons, and then his Lordship with low obedience kneeled down and laid them upon the Chair of Estate, and afterwards they were delivered to the Clerk of the Parliament, who carried them to his Table and read the Writ of Summons; which being done, he was brought and placed upon the Barons Form according to his Creation, and afterwards to his Place upon the Earls Bench appointed by the Statute.

The Four Subsidies which were already Voted upon computation, appearing too short to defray the growing charges of the King, two more were this day Voted for the Army and the Northern Parts. Thus did they first create a charge to the Kingdom by encouraging the *Scots* to



to stay in it, and then lay Taxes upon the Subjects to Ease them of their Grievances; whereas had they Voted the Scots into their own Country, half that money which was Voted to pay them for staying, would, if they had refused, have inabled the King to have repaired his own and the Nations Honor, by driving them out by force of Arms.

Sir Francis Seymour being created by his Majesty, Baron de Trowbridge, was this day with the Usual Ceremony introduced into the House of Peers, his Patent and Writ bear Date Feb. 19. 16 Car. Regis.

Mr. Rigby Reports from the Committee Dr. Bastwick's Case, which is not Entred upon the Journal, but upon it these Votes followed.

Resolved upon the Question,

1. That the Precept made by the Archbishop of Canterbury and others High Commissioners for Causes Ecclesiastical within the Realm of England, for the apprehending of the Body of Dr. Bastwick, and for searching for, and seizing his Books, and the Issuing thereof, and the Messengers Actings thereupon in searching Dr. Bastwick's House and seizing his Books and Papers, are against Law and the Liberty of the Subject.

Resolved, &c.

2. That the Sentence given against Dr. Bastwick by the High Commissioners, and the Proceedings whereupon that Sentence is grounded, and the Execution of that Sentence, are against Law, and that the Sentence is void; and that Dr. Bastwick ought to be restored to the Exercise and Practice of Physick, and to have Reparations and Recompence for his Damage and Loss sustained by the said Sentence and Execution.

Resolved, &c.

3. That all those several Commissioners of the High Commission Court which Voted against Dr. Bastwick in the Sentence pronounced against him, ought to give satisfaction to Dr. Bastwick.

A Petition for the City and County of Exon, complaining in the same Nature against Episcopacy as Antichristian and Unlawful, referred to the Committee for the Ministers Remonstrance.

Another Petition was presented from the Inhabitants of St. Peters Norwich. Whereupon it was Voted,

Resolved, &c.

1. That the Bishop of Norwich his inhibition to Mr. Carter to Preach in his own Parish Church, is void.

Resolved, &c.

2. That every Minister that is lawfully admitted, instituted and inducted, may preach in his own Parish Church so often as he pleaseth.

A Committee was also appointed to consider of Dr. Montague the Bishop of Norwich his Case, the Bishop of Landaff, and Bishop Manwaring, who occasioned his Preferment; and of his Chancellor, who, as was informed, gave 1000 l. for his Office; and the Lords to be moved that Bishop Manwaring may be forthcoming.

Thus did the seditious Sectaries, zealously drive the Trade of Petitioning and informing the Commons, who were no less willing to encourage, promote and receive them, thereby to swell the Charge and Acculation against the Bishops, and to facilitate the Design of Root and

R r r r r

Branch

1640

Sir Francis Seymour introduced into the Lords House.

Monday, Feb. 22. Votes about Dr. Bastwick.

Tuesday, Feb. 23. Petition of Exon.

Petition of Norwich.

Commission for Bishop Montague &c.



1640.

Branch, by endeavouring from the numerous Petitions against the Bishops from all places, to persuade his Majesty and the World, that to have them Extirpated was the Sence of the Nation; when as in reality it was only the sence of these discontented Sectaries and their Factors in the House of Commons, which though they were but an inconsiderable part of the Nation, yet by their being Unanimous and Diligent, rendred them considerable, and made them appear far more numerous then in reality they were.

A free Conference desired by the Lords upon the three Points offered by the Commons, 1. *Disbanding the Irish Army.* 2. *Disarming of Recusants.* 3. *Removing Papists from the Court.*

wednesday,  
Feb. 24.

Mr. Pym, Mr. Hambden and Mr. Maynard Ordered to carry up Articles against the Arch-Bishop of Canterbury to the Lords; but for the avoiding confusion in these Historical Collections, I shall for the present wave the inserting of them, as also of all the further proceedings against that great Prelate, till his Tragedy comes in Course upon the stage of Affairs, and then to present the Reader with it in an unbroken and intire account.

Thursday, Feb.  
25. Further  
Votes about  
Dr. Bastwick.

The House reassumed the Debate concerning Dr. Bastwick, and it was

Resolved, &c.

*That the proceedings against Dr. Bastwick against the Law and the Liberty of the Subject, as also the Sentence against him ought to be reversed, the Fine of 1000 l. discharged, and he to have Reparation for his Losses and Sufferings.*

Resolved,

*That the Orders and Warrants from the Council Board for Dr. Bastwick's Exile, and transferring him from the Castle of Lancaster to the Isle of Silly, and his imprisonment there, are against the Law and Liberty of the Subject, and that he ought to have Reparation for his Losses and Damages sustained by those Orders and that imprisonment.*

Present at the Sentence in the Star-Chamber,

|                    |                     |                          |
|--------------------|---------------------|--------------------------|
| The Lord Keeper,   | Lord Treasurer,     | Lord Privy-Seal,         |
| Duke of Lenox,     | Marq. Hamilton,     | Earl of Arundel & Surry, |
| Earl of Pembroke,  | Earl of Dorset,     | Earl of Bridgewater,     |
| Earl of Holland,   | Earl Moreton,       | Viscount Wimbolton,      |
| Lord Cottington,   | Lord Nowburgh,      | Sir Henry Vane,          |
| Sir Thomas Germin, | Mr. Secretary Coke, | Mr. Secr. Windebank.     |

*At the Court at Oatlands, August 27. 1637.*

Present the King's most Excellent Majesty,

|                                 |                          |
|---------------------------------|--------------------------|
| Lord Arch-Bishop of Canterbury, | Earl of Dorset,          |
| Lord Keeper,                    | Earl of Holland,         |
| Lord Treasurer,                 | Viscount Wimbolton,      |
| Duke of Lenox,                  | Mr. Comptroller,         |
| Marquis Hamilton,               | Mr. Secretary Coke,      |
| Earl Marshal,                   | Mr. Secretary Windebank. |

at the making the Orders for banishing Dr. Bastwick Mr. Burton, and Mr. Prinne into the several Islands.

This



This day the Lord Keeper being sick and not able to come to the House, a Commission was granted to Sir John Banks, Knight, Lord Chief Justice of the *Common-Pleas*, under the Great Seal of *England*, to supply the place as Speaker, which being read openly, he sat as Speaker upon the Wool-Sack.

This Day the Earl of *Strafford's* answer to the Articles of his Impeachment, was transmitted from the Lords to the Commons, and after the reading of it, Sir *John Wray* spoke as followeth.

Mr. Speaker,

I Take it, we have now sat in this great Council 15 or 16 Weeks, a longer time than any Parliament hath done these many years. God hath given us a fair and blessed opportunity, if we lay hold of it; and call to mind the best Motto for a Parliament, which is, *Non quam diù, sed quam benè.*

Mr. Speaker, We have had thus long under our Feathers many *Elstridges Eggs*, which, as some observe, are longest in hatching; but once hatched can digest Iron; and we have many Irons in the Fire, and have hammered some upon the Anvil of Justice into Nayles; but we have not struck one stroak with the right Hammer, nor rivetted one Nail to the head.

Mr. Speaker, God forbid we should be cruel or vindictive to any; but let us take heed we be not to our selves and them that sent us, if we do not mend our pace, and so run as we may obtain.

Mr. Speaker, I hope we shall make good the work we have undertaken, and win that prize and Goal we aim at; else if we fail in this our pursuit of Justice, it is time to look about us: for then I fear that we our selves shall hardly scape Scot-free. It will not be our Six Subsidies that will help us; unless we be good Husbands & cut off all superfluous charges, disband all needless Armies, and disarm all Papists, and banish all Priests and Jesuits; and then we shall thrive and prosper.

Provided always, that we deny our selves, and trust not too much in the Arm of Flesh, but be careful to preserve Brotherly-love and Concord, lest Discord & Faction break, divide, and ruin us: but I hope God will make us all of one mind and one publick Spirit, that as we are descended from that ancient and Noble English Quiver, we may prove our selves a right Sheaf of English Arrows, well united, well Feathered, and sharply Piled for the publick Use, stoutly to defend and preserve the publick Good and Safety of this Famous Island of Great Britain; and that is my humble Prayer and Motion.

There needs no clearer Exposition to be made of the rigorous prosecution of the Earl by these men of the House of Commons, than this Speech. The necessity of his death it is evident, sprung neither from the Fountain of his real Guilt, nor the love of Justice, but from the fear of his innocence, and the necessity of making him appear Criminal, that his Prosecutors might appear innocent; and by taking away his life as a Malefactor, to secure their own, who otherwise would not only have appeared greater themselves, but judged themselves insecure of their own lives so long as he had his; and that if they failed in the pursuit of Justice as they called it, against him, they had need to look about them; and the danger they should not escape Scot-free, armed them with the Resolution that he should not.

This day was spent about the Bill of Two Subsidies more, and making preparation for the Tryal of the Earl of *Strafford*.

This Day according to the former Votes of the Commons, about Ship-money, and by an Order of the Lords, a Vacat of the Records about Ship-money was brought in; the Order was as followeth,

*Die Veneris 26. die Febr. 1640.*

Upon the Report of the Right Honourable the Lords Committees appointed to consider of the way of vacating of the Judgment in the Exchequer concerning Ship-money; It is Ordered by the Lords Spiritual and Temporal in the High Court of Parliament Assembled, That the Lord

R r r r r 2

Keeper

1640.

Lord Keeper being sick, Sir John Banks by Commission supplies his place.

Fryday Feb. 26.

Sir John Wrayes Speech about the Earl of *Strafford's* answer to his Impeachment.

Saturday Feb. 27.

Saturday Feb. 27. Ship-money *Hambden's* Case Record Vacated.



1640.

Keeper, or the Master of the Rolls, the two Lord Chief Justices, and the Lord Chief Baron, and likewise the Chief Clerk of the Star-Chamber, shall bring into the upper House of Parliament, the Record in the Exchequer of the Judgment in Mr. Hambden's Case concerning Ship-money, and also the several Rolls in each several Court of the Kings-Bench, Common-Pleas, Exchequer, Star-Chamber, and Chancery, wherein the Judges extrajudicial Opinions in the Cases made touching Ship-money be entered, and that a Vacat shall be made in the upper House of Parliament of the said several Records. And likewise the Judgment of Parliament touching the illegality of the said Judgments in the Exchequer, and the proceedings thereupon, and touching the illegality of the extrajudicial Opinions of the Judges in the said several Courts concerning Ship-money, be annexed and apostiled unto the same: And that a Copy of the Judgment of Parliament concerning the illegality of the said Judgment in the Exchequer, and the said extrajudicial Opinions of the said Judges concerning Ship-money be delivered to the several Judges of Assize. And that they be required to publish the same at the Assizes in each several County within their Circuits, and to take care that the same be entered and Enrolled by the several Clerks of Assizes. And if any Entry be made by any Custos Rotulorum, or Clerk of Assize, of the said Judgment in the Exchequer, or of the said Extrajudicial Opinions of the Judges, that several vacats be made thereof per Judicium in Parlamento, by Judgment in Parliament. And that an Act of Parliament be prepared against the said Judgment and Extrajudicial Opinions in the proceeding touching Ship-money.

Vacatur istud Recordum & judicium inde habitum per considerationem & judicium Dominorum Spiritualium & Temporalium in Parliam. & Irrotulamentum eorum cancellatur.

Munday,  
March 1.  
Dr. Chaffin  
discharged.

Dr. Chaffin was called to the Bar of the Commons for indiscreet words delivered at a Visitation Sermon at Salisbury, which admit of an interpretation that reflect an ill and scandalous sence upon Parliaments; he endeavoured to put the fairest interpretation upon it, but being ordered to withdraw, the Question was put, *Whether he should be sent to the Tower?* and the House divided upon it; Yeas 189, Noes 190. so he narrowly escaped the Tower by one Voice; and being called in received a sharp Reprehension from Mr. Speaker, and was by the Order of the House enjoined to make a publick Explanation of those words in a Sermon in the Cathedral at Salisbury, and thereupon he was discharged; Had the King and Council proceeded at this rate against any of the Faction, imprisoned and punished them for words which might be drawn to an ill sence, it would have been esteemed the highest Violation of the *Magna Charta*, and an Action of Arbitrary Government; and indeed their proceedings against Prynne, Burton and Bastwick, for words which needed no Interpretation, were Voted Arbitrary, Illegal, and against the Liberty of the Subject; and thus what was Criminal in others, was Justice in them.

But they had taken such a disgust at the Clergy of the Episcopal Party, whose Loyalty to the King against the Scots and factious English Antiprelatical Party, had rendred them Obnoxious to their deepest Resentments, that every thing was sought out against them, and the smallest even Constructive Guilt was punished with the rigorous Severities of the greatest Misdemeanors. And that they might at once  
revenge



revenge themselves, disgrace the Clergy, disable them from serving the Interest of the King, weaken his Party and encourage their own.

1640.

A Committee about putting Clergy-men out of the Commission of the Peace.

Mr. Hambden, Mr. Hollis, Mr. Maynard,  
Mr. Potts, Sir Gilbert Gerrard, Sir Jo. Culpeper,  
Mr. Hatcher, Sir Tho. Barington, Mr. Reynolds,  
Mr. Solicitor, Mr. Selden, Mr. Whistler,  
Mr. King, Mr. Rigby, Mr. Whitehead,  
Sir Tho. Widdrington, Mr. Bagshaw, Mr. Moore,  
Sir Arth. Haselrig, Sir Simon D'Ewes, Mr. Valentine.  
Mr. Vaughan, Sir Ed. Hungerford, are appointed a Committee to confider and prepare Reasons to be offered to the Lords at a Conference to be desired, about Clergy-men throughout England and Wales out of the Commission of the Peace.

A Vote passed the Commons for the borrowing 100000 l. of the City upon the Security of the two Subsidies last Voted for the Relief of the Northern Parts.

Borrow Mony of the City.

Upon the reassuming the Debate concerning Dr. Bastwick, it was Ordered, That the Arch-Bishop of Canterbury, and all those that Voted against Dr. Bastwick in the Star-Chamber, shall make satisfaction for his damages by that Sentence.

Tuesday, March 2. Arch-Bishop &c. to make satisfaction to Bastwick.

There was little of moment done these days more then about procuring and ordering Money taken up upon the Credit of the Subsidies for the service of the Army, the Relief of the Northern Parts, and for the Scots.

wednesday, March 3.  
Thursday, March 4.

The further Debate of the Scots Treaty, in the House of Lords, also somethings were in agitation about the Star-Chamber, and the Pacification; concerning which, these two Speeches of the Lord Andevers were delivered.

Fryday, March 5.  
Saturday, March 6.

My Lords,

Since your Lordships have already looked so far into Priviledges of Peers, as to make a strict inquisition upon forraign Honours; Let us not destroy that among our selves, which we desire to preserve from Strangers.

The Lord Andever's Speech about the Star-Chamber, March 1640.

And if this Grievance I shall move against, have slept till now; It is very considerable lest custom make it every day more apparent than other: your Lordships very well know, there was a Statute framed, 3 Hen. 7. Authorizing the Chancellor, Treasurer and Privy Seal, and the two Chief Justices, calling to them one Bishop, and a Temporal Lord of the Kings Council, to receive Complaints upon Bill or Information, and Cite such Parties to appear as stand accused of any Misdemeanor, and this was the Infancy of the Star-Chamber, but afterwards the Star-Chamber was by Cardinal Woolsey 8 H. 8. raised to mans Estate, from whence (being now altogether unlimited) it is grown a Monster, and will hourly produce worse effects, unless it be reduced by that hand which laid the foundation; for the Statutes that are ratified by Parliament admit of no other than a repeal.

Therefore I offer humbly unto your Lordships these ensuing Reasons, why it should be repealed.

First the very words of the Statute cleerly shew that it was a needless institution; for it sayes, They who are to Judge, can proceed with no Delinquent otherwise then if he were convicted of the same crime by due process of Law.

And do your Lordships hold this a rational Court that sends us to the Law, and calls us to the Law, and calls us back from it again?

Secondly, divers Judicatories confound one another, & in pessima Republica plurimæ leges.

The second reason is from circumstance, or rather à Consuetudine, and of this there are many examples both domestique and foraign; but more particularly by the Parliaments



1640.



ments of France abbreviated into a standing Committee by Philip the King, and continued according to his Institution until Lewis the Eleventh came to the Crown, who being a subtil Prince buried the volume in the Epitome; for to this day, when ever the three Estates are called, either at the death of the old King, or to crown the new, It is a common Proverb Allons voire Le feu des Estates; My Lords, Arbitrary judgments destroy the Common Laws, and in them the two great Charters of the Kingdom, which being once lost, we have nothing left but the name of Liberty.

Then the last reason is ( though it was the first cause of my standing up ) the great Eclipse it hath ever been to the whole Nobility; For who are so frequently vexed there as Peers and Noblemen, and notwithstanding their appeal to this Assembly, is ever good whilst that famous Law of the 4 Ed. 3. remains in force for the holding of a Parliament once a year, or more if occasion require, yet who durst a year ago mention such a Statute, without the incurring the danger of M. Kilvert's persecution? Therefore I shall humbly move your Lordships, that a select Committee of a few may be named to consider of the Act of Parliament it self, and if they shall think it of as great prejudice as I do, that then the House of Commons in the most usual manner may be made acquainted with it either by Bill or Conference, who also happily think it a burthen to the Subject, and so when the whole body of Parliament shall joyn in one supplication, I am confident his Majesty will desire that nothing shall remain in force which his people do not willingly obey.

My Lords,

The Lord An-  
devers Speech  
about the Pa-  
cification,  
March 6.  
1640.

I Did lately move your Lordships, that the breath of the Pacification might be speedily reviewed, as the unum necessarium; and truly my opinion at that time is yet nothing altered, although upon better thoughts ( me thinks ) it would first be known who did actually engage us in these fruitless dissensions, and so derive the mischief from some original. For My Lords, the Kingdom cannot now long stand at gaze or undergo new burthens.

Wherefore what is to be done ( if you intend it should prosper ) must presently receive life from the whole people, otherwise we shall expire in a dream; and when the success differs from expectation, it is not enough to cry, quod non putaram. My Lords, the Wise man says, there is a proper season for all things under the Sun, and we often find the experiment in natural bodies, which are voluntarily weakened, to recover strength, yet with a restriction to such bounds, and limits, as the Physitian prescribes himself; and truly, I think it is your Lordships case at this point, either to consider what should further be done then is already, or else how to get out of those labyrinths we now are in, lest the words of the Psalmist come home to our selves, Vendidisti populum sine pretio.

My Lords, I am confident the House of Commons doth thoroughly see, both into the prejudice, and vast expence that these two Armies lay upon the land, and undoubtedly so many Gentlemen of worth, as sit there, will have tender eyes upon the Commonweale. It will therefore become your Lordships to second them in your way, and whilst they apply to publick wounds, the care of this House may search the intestines; for if they be not cleansed, it will be but a superficial Cure, and break out again.

My Lords, It seems the Earl of Strafford, and the Arch-Bishop of Canterbury, have gone the high wayes of iniquity, and every one knows how to trace them, but Mines under ground are most considerable, ( which unless they belikewise found out ) may at any time spring and supplant the whole fabrick of all our labours. Let us then examine this fantastick War ab initio; lest, as the Duke of Burgundy made a few Sheepskins the cause of his Quarrel, so we shall find those sheets of Paper, sent under the name of a Liturgy, and Book of Canons, were but the Mopsas of the story to divert our eyes from the main design.

Therefore my humble motion shall be for a selected Committee of no great number, who may have power from the House to begin ab origine mali, revise every mans negotiations, who was either an Actor or Counsellor since the first appearance of those Troubles in Scotland, and that they may Examine the Scottish Counsel upon such Articles, as the heavy pressure of this Kingdom shall upon common Fame administer unto them.

Sir John Lamb  
discharged.

Sir John Lamb was brought to the Barr, and acknowledging his sorrow for his Contempt in not appearing according to the Order of the House, he was discharged. Upon



Upon a Message to the King, to desire that Six Frigats might be ordered to put to Sea to secure the Merchants against the *Turkish* Pyrats, The King was pleased to order it accordingly: But whereas the Commons in their Message had desired, *That Liberty might be given to Adventurers to set forth Ships at their own Charges, and to take what Turkish Prizes they could, without giving any account to the King or Lord Admiral*; The King was pleased to condescend to it, but desires those words to be changed thus, *without paying any Duty to the King or Lord Admiral, leaving the Parties free to dispose of Men, Goods and Ships to their best Advantage*. So willing was this Excellent Prince to oblige his Subjects, and even to part with his own Right and Prerogative to gratifie his People.

I 6 4 0.  
6 Frigats sent  
out to scour  
the Seas.

Mr. Hide Reports the Papers delivered by the *Scotish* Commissioners to the Lords, for removing and demolishing the Garrisons of *Berwick* and *Carlisle*, in hæc verba.

Mr. Hide Re-  
ports the Scots  
Papers about  
demolishing  
*Berwick* and  
*Carlisle*.

*That whereas there hath been a Proposition made by the Commissioners of Scotland, for the removing of the Garrisons and demolishing the Fortifications of Berwick and Carlisle, which Proposition the Upper House hath taken into Consideration, and are inclined when a firm and settled Peace shall be Established, and all things reciprocally be reduced into the Terms they were before the late Troubles; and therefore to the end that all things may be settled that may conduce to a firm Peace with the least loss of time that may be, for the Charge that will necessarily follow is such, that this Kingdom cannot bear, this House therefore holds it fit, That the Commissioners of England do move the Scots Commissioners to set down all their Particular Heads and Demands at once together, and conclude the 8th Article wholly with all convenient speed, which they are instructed to propound for Confirming and Establishing a perfect and speedy Peace; which being done, this Kingdom will speedily take into consideration the settling of all things that may be for their just Satisfaction, if the House of Commons shall concur with us herein. Which was agreed to by the Commons, and a free Conference to be desired with the Lords upon it.*

The Earl of *Holland* this day signified to the House of Lords, *That the King had commanded him to let them know that his Majesty Understanding that the Forrest Laws are grievous to the Subjects of this Kingdom, his Majesty out of his Grace and Goodness to his People, is willing to lay down all the new bounds of his Forrests in this Kingdom, and that they shall be reduced to the same Condition as they were before the late Justices Seat were held.*

King willing  
for the ease of  
his Subjects to  
abate of the  
Forrest Law.

So willing and desirous was this Excellent Prince to oblige his People, and to take off what ever was burdensome, though to his own detriment and disadvantage, that had he not fallen into the hands of such discontented People, whom nothing could satisfie, and who interpreted all these Effects of his Goodness to proceed from his Necessity and not his Inclination, and that they were therefore granted, because he could no longer keep them, certainly this Generous and Gracious Prince must have Ruled in the Hearts of his Subjects, as well as over their Persons. But it was his misfortune, that some Popular and Ambitious Men had Usurped that Noblest part of his Empire, so that all he could do, or say, was not able to instate him in their Affections.

An Order was made in the House of Commons, to pay the Officers or Billetters for Soldiers dead or run away, till the time of their Death or departure;

Monday;  
March 8.  
Army and  
Militia,



1640

Complaint of  
Inhabitants of  
*Painswick* re-  
ferred to the  
Bishop of the  
Diocess.

Tuesday Mar. 9.  
Mr. Crew Re-  
ports the  
Heads of the  
Ministers Re-  
monstrance to  
be debated.

Cessation con-  
tinued for a  
month longer.

wednesday,  
March 10.

Sir John  
Wray's Speech  
about the Earl  
of *Strafford*,  
March 10.

Votes about  
the Ministers  
Remonstrance, 1.  
Head.

departure: and Thirty Gentlemen of *Yorkshire* are to be joyned to the Commissaries for Mustering the Army, the whole to be mustered in one Day to prevent Frauds, and that the Earl of *Crawford's* Troop of *Reformadoes* shall have 11 dayes pay to discharge their Quarters.

Upon a Complaint of the Inhabitants of *Painswick* in *Glocestershire*, the House would do nothing in it, but leaves them to address themselves to the Bishop of the Diocess. This was a particular Favour to Bishop *Goodman*, and I think the only Instance, of a Complaint which was rejected, or not referred to some Committee.

The House of Commons fell upon the consideration of the Ministers Remonstrance, and these Heads were reported by Mr. *Crew* to be debated.

1. That Secular Employment, by which is intended the Legislative and Judicial Power of Clergy-men in Parliament, in Star-Chamber, Commission of Peace, Privy Councillors, and Temporal Affairs.
2. Their sole Power in Ecclesiastical Affairs, viz. Ordination and Censures.
3. The greatneſs of the Revenues of Deans and Chapters, the little Use of them, and the great Inconveniencies that come by them.

The House agreed to a Cessation of Arms with the Scots for a Month longer, if the Treaty shall so long continue.

The House fell upon the Debate about the Trial of the Earl of *Strafford*, upon which occasion Sir *John Wray* made this warm Speech.

Mr. Speaker,

**I**N this great and weighty Cause, we ought seriously to consider;  
First, what we our selves have done already in the Accusation and Impeachment of this great Earl, of High Treason.

Secondly, let us remember what we now are, not only Parliament-men, but Publick-men, and English-men.

As Parliament-men, let us follow the steps of our Ancestors, and be constant to that rule of Law which was their guide, and should be ours.

As Publick men, forget not whom we here represent, and by how many chosen and trusted.

As Englishmen let us call to mind the undaunted spirits, and stout hearts of those Ancient Heroes, how free they were from Pusillanimity, and how they scorned all Flattery, and Slavery; let us then now, or never, Mr. Speaker, shew the same blood runs in our veins.

Thirdly, let us be well advised what to do, if in case we shall be denyed Justice in this particular, upon which depends not only the Happiness, but the Safety of this Parliament, of this Kingdom, of our selves, and of our Posterities: and this is my Aviso.

The House then proceeded upon the first head of the Ministers Remonstrance, and after a long Debate, came to this Vote,

Resolved, &c.

That the Legislative and Judicial Power of Bishops in the House of Peers in Parliament, is a great hindrance to the Discharge of their Spiritual Function, prejudicial to the Common wealth, and fit to be taken away by Bill, and that a Bill be drawn to that purpose.

Thus did these great Patrons of Liberty and Property, and the Defenders of the Rights and Priviledges of Parliament, invade the *Magna Charta*, and contrary to the known Laws of the Land, the immemorial Custom



Custom of all Ages ever since Christianity subdued this Island from *Paganism*, in which the Bishops had Exercised Legislative Authority ever since there were Parliaments in *England*, as is Evident by all the Records, indeavour to subvert the Government, and the very Essence and Being of Parliaments, of which the Lords Spiritual were by several Acts of Parliament Expresly called and esteemed one of the Three Estates of Parliament.

His Majesty saw and with an admirable Patience supported these unjust Procedures ; but alas! he had the Wolf by the Ears, Bitten while he held him, but Worried if he let him go : for there were now Two Armies in the Kingdom, which together with his former Expences in the *Northern* Expeditions, had plunged him into an irrecoverable Debt, without the Assistance of Parliamentary Supplies ; without Money there was nothing to be done, the Posture of his Affairs appearing so ruinous, and no money was to be had but upon such Terms as the Faction pleased ; one of which was this disvoting of the Bishops ; and who ever curiously observes the movement of affairs, will see, that the House of Commons, notwithstanding the Complement they made him of inspecting his Revenue, yet raised Money by inches, and by the Delatory Proceedings in the *Scots* Treaty whom they might with half the Expence have obliged to Disband and return into their Country, they still increased the Kings Necessities and the Charge of the Kingdom, before they raised Money to defray them ; and made those Wants and Necessities into which they plunged his Majesty, the Engines by which they carried on their own Designs, and obliged him, still with the Witchcraft of Expectation, and the Hopes of a more favourable Crisis of his Affairs, to Compliances which in the End proved his unavoidable Ruine.

Upon the further Debate this Day in the House of Commons concerning the Ministers *Remonstrance*, they came to this Vote,

Resolved, &c.

*That for Bishops or any other Clergy-men whatsoever to be in the Commission of the Peace, or to have any Judicial Power in the Star-Chamber, or in any Civil Court, is a great hinderance to the Discharge of their Spiritual Function, prejudicial to the Commonwealth, and fit to be taken away by Bill; and that a Bill be drawn to that purpose.*

This Day Dr. *Bray* was sent for to the Barr of the House of Peers about Dr. *Pocklington's* Books which he had Licens'd, and he ingenuously confessing that he did License the said Books, and that he did not Examine them with that Caution as he ought, but was sorrowful for his Error ; and that now he was of a different Opinion concerning those things charged against Dr. *Pocklington* in the said Books, he was by the House sentenced to make a publique Recantation upon *Sunday* come month next in the Church at *Westminster*, and the Bishops of *Durham*, *Lincoln*, and *Carlisle*, are appointed to view the Sermon, and see that it be sufficient.

This day Mr. *Rigby* reported the Case of Mr. *Burton*, from the Committee to whose Consideration it was referred. Whereupon these Votes passed.

Resolved, &c.

1. *That Dr. Worrall, Dr. Sams, Dr. Duck, and Dr. Wood, proceeded unjustly and illegally in Suspending Mr. Burton ab Officio & Beneficio, for not appearing upon the Summons of the first Process.*

S f f f f

Resolved,

1640.

Thursday March  
11. Two Votes  
against the Bi-  
shops and  
Clergy.

Dr. Bray's sen-  
tence for Li-  
censing Dr.  
*Pocklington's*  
Books.

Fryday March  
12. Mr. Rig-  
bies Report a-  
bout *Burton*.



I 6 4 0.

Resolved,&c.

2. *That the breaking open Mr. Burton's House, and arresting his person without cause shewed, and before any Suit depending against him in the Star-Chamber, and his Close Imprisonment, are against the Law and the Liberty of the Subject.*

Resolved,&c.

3. *That John Wragg hath offended in searching and seizing the Books and Papers of Mr. Burton by colour of the General Warrant dormant from the High Commissioners; and that the Warrant is against Law, and the Liberty of the Subject, and that Serjeant Dendy and Alderman Abel have offended in breaking open the House of Mr. Burton.*

Resolved,&c.

4. *That Mr. Burton ought to have Reparation, and Recompence for the Damages sustained by the aforesaid proceedings.*

Resolved,&c.

5. *That Dr. Sams, Dr. Worral, Dr. Duck, and Dr. Wood, who suspended Mr. Burton ab Officio & Beneficio, ought to make Reparation unto Mr. Burton for his Losses sustained by the said Suspension.*

Resolved,&c.

6. *That Serjeant Dendy and Alderman Abel ought to make Reparations to Mr. Burton for his Damage sustained by breaking open his House without Legal Warrant.*

Resolved,&c.

7. *That John Wragg ought to make Reparation to Mr. Burton for his Damages sustained by breaking open his Study and seizing his Books and Papers.*

Resolved,&c.

8. *That the Warrant from the Council-Board, dated Whitehall, Feb. 2. 1636. for committing Mr. Burton Close Prisoner, and the Commitment thereupon, is illegal, and against the Liberty of the Subject.*

Resolved,&c.

9. *That Mr. Burton ought to have Reparation for his Damages sustained by his Imprisonment.*

Resolved,&c.

10. *That the Archbishop of Canterbury, the Bishop of London, the Earl of Arundel and Surrey, the Earl of Pembroke and Montgomery, Sir Henry Vane, Sir John Coke, and Sir Francis Windebank, do make Reparations to Mr. Burton for his Damages sustained by his Imprisonment.*

The affair of the Earl of *Strafford's* Trial took up most of the time of the Parliament. At a Conference, the great disorders of the Army were represented by the Lords, and they desired that some care may be taken for some Discipline; the King was willing to grant a Commission of *Oyer and Terminer*, but this the Commons did not approve of.

Saturday,  
March 13.  
Disorders in  
the Army.

The



The Lords and Commons concur to desire his Majesty that the new Irish Army may be Disbanded, and that all Recusants may be disarmed.

Mr. Rouse by Order of the Commons carries up the Impeachment against Dr. Cosins, where he made this following Speech.

My Lords,

**I** Am Commanded by the House of Commons to present to your Lordships a Declaration and Impeachment against Dr. Cosins, and others, upon the Complaint of Mr. Peter Smart; which Mr. Smart was a Proto-Martyr, or, first Confessor of note in the late dayes of Persecution. The whole matter is a Tree, whereof the Branches and Fruit are manifest in the Articles of this Declaration; which being read, I shall with your Lordships favour discover and lay open the Root.

Articles against Dr. Cosins.

1. **T**hat he was the first man that caused the Communion Table in the Church of Durham to be removed and set Altar-wise, in the electing and beautifying whereof, he (being then Treasurer) expended Two hundred pounds.
2. That he used to officiate at the West side thereof, turning his back to the People.
3. That he used extraordinary bowing to it.
4. That he compelled others to do it, using violence to the persons of them that refused so to do: For instance, once some omitting it, he comes out of his Seat, down to the Seat where they sate, being Gentlemen, called them Whores and Fades, and Pagans, and the like unseemly words, and rent some of their Clothes.
5. That he converted divers Prayers in the Book of Common Prayers into Hymnes, to be sung in the Quire, and played with the Organ, contrary to the ancient Custome of that Church.
6. That whereas it had been formerly a Custome in that Church, at the end of every Sermon to sing a Psalm; this Custome, when Dr. Cosins came thither was abrogated, and instead thereof they sung an Anthem in the Quire, there being no Psalm sung either at the Minister's going up into the Pulpit, or at his coming down.
7. That the first Candlemas-day, at Night, that he had been in that Church, he caused Three hundred Wax-Candles to be set up, and lighted in the Church at once, in honour of our Lady, and placed Threescore of them upon and about the Altar.
8. That in this Church there was reliques of divers Images, above which were remaining the ruines of two Seraphims, with the Picture of Christ between them, erected in Queen Maries time, in the time of Popery; all which when Queen Elizabeth came to the Crown, were demolisht by vertue of a Commission by her to that intent granted, which so continued demolished from that time, till Doctor Cozens came to that Church, who being Treasurer, caused the same to be repaired, and most gloriously painted.
9. That all the time that he was unmarried, he wore a Cope of white Sattin, never officiating in any other, it being reserved solely for him, no man except himself making use thereof, which after marriage he cast off, and never after wore.
10. That there was a Knife belonging to the Church, kept altogether in the Vestry, being put to none but holy uses, as cutting the bread in the Sacrament, and the like, Doctor Cozens refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted, but that, which he putting holiness in, never termed but the consecrated Knife.
11. That in a Sermon preached in that Church, he did deliver certain words in disgrace of the Reformers of our Church, for instance, the words were these, The Reformers of this Church, when they abolished the Mass, took away all good order; and instead of Reformation, made it a Deformation.
12. That he seldome or never in any of his Sermons styled the Ministers of the Word and Sacraments by any other name than Priests, nor the Communion-Table by any other name then Altar.
13. That by his appointment there was a Cope bought, the seller being a convicted Jesuit, and afterwards imployed in that Church, having upon it the Picture of the invisible, and incomprehensible Trinity.

1640.

Monday March  
15. Irish Army to be disbanded.  
Dr. Cosins impeached.

Mr. Rouse his Speech at the Reading the Articles against Doctor Cosins, as also the Articles exhibited against him.



I 640.

14. That whereas it had been formerly a custom in that Church, at five of the Clock to have morning prayers read Winter and Summer; This custom, when Doctor Cozens came thither, was abandoned, and instead thereof was used singing, and playing on the Organs, and some few prayers read, and this was called first Service; which being ended, the People departed out of the Church, returning at nine a Clock, and having then morning prayers read unto them, and this was called second Service, which Innovation being disliked, and complained of by Mr. Justice Hutton, was reformed.

15. That he framed a superstitious Ceremony in lighting the Tapers which were placed on the Altar, which for instance was this, A Company of Boyes that belonged to the Church, came in at the Quire door with Torches in their hands lighted, bowing towards the Altar at their first entrance, bowing thrice before they lighted their Tapers, having done, they withdrew themselves, bowing so oft as before; not once turning their backs towards the Altar, the Organs all the time going.

16. That he counselled some young Students of the University to be imitators and practisers of his superstitious Ceremonies, who to ingratiate themselves in his favour, did accordingly; and being afterwards reprov'd for the same by some of their friends, confessed that Doctor Cozens first induced them to that practice, and encouraged them therein.

17. That he used upon Communion dayes to make the sign of the Cross with his finger both upon the Seats whereon they were to sit, and the Cushions to kneel upon, using some words when he so did.

18. That one Sabbath day there was set up an unnecessary company of Tapers and Lights in the Church, which Doctor Hunt being then Dean, fearing they might give offence, being they were unnecessary, sent his man to pull them down, who did so; but Doctor Cozens being thereat agrieved, came to the fellow, and there miscalled him in most uncivil manner, and began to beat him in the publick view of the Congregation, to the great disturbance of the same.

19. That the Dean and Chapter of that Church, whereof Doctor Cozens was one, with many others being invited to dinner in the Town of Durham; Doctor Cozens then, and there spake words derogating from the King's Prerogative: The words were these, The King hath no more power over the Church, then the Boy that rubs my Horse heels.

20. That there being many of the Canons of the said Church present at that time, amongst the rest there was one took more notice of his words then the rest, and acquainted one of his fellow Canons with them when he came home; This Canon being a friend to Doctor Cozens, told the Doctor that such a man exclaimed of him, and charged him with words that he should speak at such a time; The Doctor presently sends for him, and when he came into the house, the Doctor desires him to follow him into an inner Room, who did so; but as soon as he came in, the Doctor shuts the door, and sets both his hands upon him, calling him Rogue and Rascal, and many other names, insomuch that the man fearing he would do him a mischief, cryed out; Mrs. Cozens coming in, endeavoured to appease her Husband, and holding his hands, the other ran away.

21. That the Doctor did seek many unjust ways to ensnare this man, that so he might take a just occasion to put him out of his place; but none of them taking effect, he put him out by violence, having no other reason why he did so, but because he had no good voice, when he had served the place two years before Doctor Cozens came thither: For instance of which unjust wayes to ensnare this man, Doctor Cozens hired a man and a woman to pretend a desire of Matrimony, and to offer a Sum of money to this petty Canon to contract Matrimony between them in a private Chamber, so thereupon to take advantage of his revenge upon him.

Which being read, he proceeded thus:

My Lords,

I Am now to discover the root of Mr. Smart's Persecution.

Your Lordships have heard of a great Design to bring in Popery; you have heard of Armies of Souldiers, and particularly of the Popish Irish Army, the burthen and Complaint of the Commons. But there is another Army not so much spoken of, and that is an Army of Priests: for since Altars came in (so they delight to be called,) it is a saying of Gregory the Great, that when Antichrist comes, Præparatus est exercitus Sacerdotum: There is an Army of Priests ready to receive him: this is fulfilled in our  
time



time; for certainly this Army of Priests doth many ways advance the design and Plot of Popery. A first is by the subversion of our Laws, and Government: our Laws and Popery cannot stand together; but either Popery must overthrow our Laws, or our Laws must overthrow Popery: but to overthrow our Laws they must overthrow Parliaments; and to overthrow Parliaments, they must overthrow property; they must bring the Subjects goods to be arbitrarily disposed, that so there may be no need of Parliament; this hath been done by Dr. Maynwaring, (whom we find wanting yet not in the seats, but in the Bar of the Lords House) and the like by Dr. Beale: and I think it was the intention of the late Canons.

A second way, by which this Army of Priests advanceth the Popish Design, is the way of Treaty. This hath been acted both by writings and conference: Sancta Clara himself saith, Doctissimi eorum quibuscunque egi; so it seems they have had conferences together: And Sancta Clara on his part, labours to bring the Articles of our Church to Popery; and some of our side strive to meet him in that way: we have a testimony that the great Arch-Priest himself hath said; It were no hard matter to make a reconciliation, if a wise man had the handling of it. But I verily believe, that as the state of Papacy stands, a far wiser man than he cannot reconcile Us, without the loss of our Religion. For the Pope being fastned to his Errors, even by his Chair of Inerrability, he sits still unmoved, and so we cannot meet, except we come wholly to him. A man standing in a Boat tyed to a Rock, when he draws the Rope, doth not draw the Rock to the Boat, but the Boat to the Rock. And Sancta Clara doth (in this somewhat honestly) confess it: for he saith that he dealt in this way of Treaty, not to draw the Church to the Protestants; but the Protestants to the Church.

A third way is a way of violence, this violence they exercise partly by Secular Arms, and partly by Priestly Arms, which they call Spiritual: for Secular Arms we have their own confession, that the late War was Bellum Episcopale; and we have the Papists confession, that it was Bellum Papale; for in their motives, they say, That the War concerns them not only as subjects, but as Catholicks, for so they falsely call themselves: and if it be so, then Bellum Episcopale, is also Bellum Papale: in the Episcopal War, the Papal cause is advanced: For the Spiritual Arms, thus they come to execution.

When a great Man is coming, his Sumpters, his Furniture, his Provisions go before: the Popes Furniture, Altars and Copes, Pictures and Images are come before; (and if we believe Dr. Cozens) the very substance of the Mass; a certain sign that the Pope was not far off. Now these fore-runners being come, if any man resist them, Fire comes out of the Brambles, and devours the Cedars of Lebanon: the Army of the Priests falls upon him with their Arms of Suspension, Sequestration, Excommunication, Degradation, and Deprivation. And by these Arms hath Mr. Smart been oppressed and undone. He falls upon their Superstitions, and Innovations, and they fall upon him with their Arms, they beat him down, yea they pull him up by the roots, taking away all his means of maintenance and living; yet they leave him life to feel his miseries: Ita feriunt, ut diu sentiat mori; there is no cruelty to Priestly cruelty; these are they that did put our very Saviour to death: the Calling is Reverend, but the Corruption of it most pernicious; Corruptio optimi pessima: I know no reason of this change, except it be that of the Apostle: Because when they knew God, they did not worship him as God, but made a God of the World, placing the excellency of Priesthood in Worldly pomp and greatness, and gave the glory of the invisible God, to Pictures, Images, and Altars: therefore God gave them up to vile affections, to be implacable, unmerciful, and without natural affection. But whatsoever the cause is of their Corruption; certainly their Arms have fallen heavily upon Mr. Smart, and Priestly cruelty hath cast him into a long misery from which he could get no release by any Priestly mercy.

And now it is prayed, that as these Delinquents by the cruel oppressions of Mr. Smart have advanced the Cause of Popery, so they may in such a degree of Justice be punished, that in them Priestly cruelty, and the very cause of Popery may appear to be punished and suppressed, and that Mr. Smart suffering for the Cause of Protestantism may be so repaired, that in him pious Constancy, and the very Cause of Protestantism may appear to be righted and repaired.

These Articles against Dr. Cozens abundantly manifest the temper and spirit of these their Accusers; and notwithstanding Mr. Rouse his high Enco-



1640.

Encomium of Mr. *Smart*, he had learnt the Jesuits Policy, *Audaacter criminare aliquid hærebit*: and indeed the Custom then was to Load any Orthodox person with Calumnies, which going abroad among the People, did effect the Design they were intended for; and for the proof of them, that was not material; if they were but soundly defamed to the People, sufficiently punished by the Extortion of the Serjeant at Arms and his Officers, imprisoned and ill Used, and at last turned out of their Livings, that they might be believed Guilty of what they were accused, it was enough.

I have given some account already both of this *Smart*, and Dr. *Cosins*; and for further satisfaction, When the Doctor was accused for this very thing before in the *House of Commons* for endeavouring to pervert one Mr. *Nichols* to Popery, the Doctor did by the Testimony of several persons, and some of them Members of the *House of Commons*, prove that he had done just the contrary; and being then Vice-Chancellor of *Cambridg*, upon Examination finding *Nichols* guilty of holding Popish Tenents; he had severely punished him by Recantation and Expulsion from the University; notwithstanding which, *Smart* had the Impudence to prosecute him, and prefer these Articles, which made the Doctor afterwards humbly beg of the Honourable *House of Lords*, That his Cause might not be referred to a Committee, but be heard in open Parliament.

Of the same stamp was the 11th Article, that he should affirm, *That the Reformers when they took away Mass, took away all Religion*; for which the Doctor producing the Sermon, shewed that the words spoken were, *That we must not think that when the Bishops took away the Mass, they took away all Religion*; shewing from thence the Excellency of the Established Religion, as Protestant or Reformed.

By these, the Reader will make an Easie conjecture at the truth of the rest: and indeed, when an exasperated Enemy is admitted to be the accuser, as *Smart* was, and who hoped to carve himself a large reparation out of the Doctor's Estate, one may fairly suppose he will not spare either Hyperbolies, or downright falsehoods, especially being encouraged by such Potent Men in the *House of Commons*, as did not only, as appears by *Rouse's* Speech, Espouse the Quarrel themselves, but endeavoured to persuade the World that it was the very Quarrel and Cause of Protestancy it self.

The Lords and Commons agree to Petition his Majesty for removal of Papists from the Court, and particularly Mr. *Mountague*, Sir *Kenelm Digby*, Sir *John Winter*, and Sir *Toby Matthews*.

Little of moment passed this Day.

This day according to an Order of the *House of Peers*, the Petition of some Lords which was presented by them to his Majesty at *York*, was brought in and read openly in the House, and then it was Resolved, *That for the honour of the Lords Petitioners, this Petition be recorded in the Journal Book of this House, with their Names thereunto, and that it be Esteemed as the Act of this House, and this House doth give them Thanks for it*. Which was done accordingly. The same had been done before by the *Commons* in their House, *Novemb. 18. 1640*.

The *House of Commons* fell upon the Consideration of the payment of *Tonnage and Poundage*, and it was Voted, *That a Bill should be brought in for the granting of Tonnage and Poundage to his Majesty for Three Years*.

Tuesday,  
March 16.  
Papists to be  
removed from  
the Court.  
Wednesday,  
March 17.  
Thursday,  
March 18.  
The Lords  
who Petition-  
ed his Majesty  
at *York*, thank-  
ed, and or-  
dered to be  
Entered upon  
the Journal.

Tonnage and  
Poundage.



An Information was this Day Exhibited against one Mr. Richard Perrot for a Sermon Preached Two Years ago upon New-Years day at Kingston upon Hull, in which there were some things Exceptionable.

It was Ordered, That Mr. Treasurer and Mr. Comptroller move his Majesty to grant a Commission to the Convocation to Treat about the granting of Subsidies by the Clergy.

It was this day reported by the Lords Committees appointed to consider, Whether Proxies should be used in Cases of blood, That they were of Opinion, That those Lords that have Proxies of absent Lords, shall in this Case of the Earl of Strafford forbear to make use of them for this time, saving to them their Rights. Also the Lords were of Opinion, That those that Voted in the House of Commons in the Earl of Strafford's Case, and since are made Peers, may Vote as Judges here in this House in the same Cause. And further, the Lords Committees desired, That the Lords the Bishops might shew Reason why they should not likewise forbear giving Proxies in the said Case.

Which the House taking into consideration, did Order, That their Lordships do hold it fit, that for this time and in this Case those Lords that have Proxies of absent Lords, shall make no use of them, saving to themselves the Right of Peers.

Next the Lords the Bishops did declare, That they likewise will not at this time make any Procurator for themselves, saving to themselves their Rights of Peers of the Realm.

The House of Commons spent most of this day in preparation for the Tryal of the Earl of Strafford. Only the Committee for Scandalous Ministers were Ordered to draw a Bill against Scandalous Ministers, and to consider of Commissions to be sent down into several Counties to Examine Scandalous Ministers.

Thus did they endeavour to bring the Orthodox Episcopal and Loyal Clergy into both contempt and hatred, and to make them appear Scandalous, received and encouraged all sorts of Informations against them, the foundations of which were generally laid in the malice or mistake of their known Enemies, who contrary to natural Justice, were admitted to be their Accusers; and it was no uncommon thing for these ignorant informers to accuse their Ministers for Preaching Popish Doctrines in their Pulpits, when they only in their way took occasion to mention them, in Order to their Confutation.

This Day the Noble Earl of Strafford's Tryal began in Westminster-Hall, so that the House of Commons sat only in the Afternoons on those Days wherein the Tryal was prosecuted,

In the Afternoon the House fell upon the further Debate of the first Head of the Ministers Remonstrance, and came to this Vote;

Resolved, &c.

That for Archbishops or any other Clergy-men whatsoever to have Employments as Privy-Councillors, or in Temporal Offices, is a hindrance to the Discharge of their Spiritual Functions, and prejudicial to the Commonwealth, and fit to be taken away, and that a Bill be drawn accordingly.

Report of the Conference with the Lords about the Difficulty of raising Money for the Scots and English Armies, was made to the House. One reason why it came not in upon such good Security, was the Fears of the People of ill Times. The Earl of Essex said, That when those who have

1640.

Fryday March 19. Informations against Mr. Richard Perrot Minister.

Convocation to grant Subsidies.

Resolution about those Lords that Voted in the accusation of the Earl of Strafford in the House of Commons, may Vote as Judges at his Tryal, and concerning Proxies.

The Bishops decline making any Proxye with a Protestation.

Saturday March 20. Committee for Scandalous Ministers.

Munday March 26. Post Meridiem.

Vote against Bishops and Clergy.

Tuesday March 27. Post Meridiem. Report from Conference about the Difficulty of raising money.



I 6 4 I.

Wednesday;  
March 24.  
Post Meridiem.

Further Votes  
about Mr.  
Burton.

have advised the Grievances and Calamities of the Kingdom are removed, Money will come easily. The Earl of Bath's Opinion was, That the Scots Treaty ought to be brought to a speedy Conclusion, to remove the Fears of the People.

Though the Earl of Strafford's Trial proceeded vigorously, yet that the Fanatical and Factious Party might see the Commons were at the same time mindful of their Friends that they were prosecuting their Enemies, Mr. Burton's affair came again under Consideration, and these following Votes passed upon it.

Resolved, &c.

That the Sentence in the Star-Chamber against Mr. Burton is illegal, and without any just Ground, and ought to be reversed, and he to be freed from the Fine of Five thousand pounds and Imprisonment by that Sentence.

Resolved, &c.

2. That Mr. Burton ought to be restored to his Degrees taken in the University, Orders in the Ministry, and to his Benefice in Friday-Street London.

Resolved, &c.

3. That the Order of the Council-Board for transferring Mr. Burton from the Castle of Lancaster to the Isle of Guernsey, and his Imprisonment, there is against the Law, and Liberty of the Subject.

Resolved, &c.

4. That Mr. Burton ought to have Reparations and Recompences for the Damages sustained by his said Imprisonment, loss of his Ears, Exile, and other Evils sustained by the said unjust and illegal Proceedings.

Six Lords, and Sixteen Commoners Ordered by the respective Houses to go to the City to borrow 120000 £. upon the Credit and Security of the Subsidy Bills.

An Act against Recusants read a second time, and Committed.

These two dayes produced nothing Remarkable in the House of Commons, they sitting only some little time in the Afternoons, in regard of the Earl of Strafford's Trial.

This Day divers Acts were brought into the House and read; Viz.

An Act for more free passage of the Gospel.

An Act for Reforming of the Unlawful Acts of the Privy Council, and Court called the Star-Chamber.

An Act to restrain Bishops and others in Holy Orders to meddle in Secular Affairs.

The Committee appointed to go along with the Lords to borrow Money of the City, Report, That the City does at present decline Lending any Money. And indeed it was no wonder, for as they had ordered the matter, and the Event shewed it, No Money was to be had without Strafford's Head, as was well intimated at the Conference just now related from the Mouth of the Earl of Essex.

A Petition was delivered by some Divines, in the behalf of Deans and Chapters, desiring they might have the Liberty to be heard upon it. After much debate, it was at the last consented to, with this provisional Order,

That

Thursday,  
Mar. 25. P.M.  
Parliament offers to borrow money of the City.

Fryday Mar. 26.  
1641. P. M.  
Saturday,  
March 27.  
Munday March  
29.

Tuesday March  
30. Several  
Acts on foot  
in the House  
of Commons.

City declines  
lending of  
money.

Petition for  
Deans and  
Chapters.



*That the House shall not be resolved into a Committee of the whole House at the Hearing of these Divines that Petition in the behalf of the Deans and Chapters.*

I 6 4 I.

Possibly the Reader will be at some loss for the reason of this Order; and therefore for his satisfaction he is to be informed, That according to Parliamentary Proceedings, when things are carried in a Regular Way, when the House sits as a House, no person is permitted to speak above once to the same Matter; whereas, when the House is in a Committee of the whole House, there is a greater Liberty and Freedom of Debate, and the same person is permitted to speak to the same matter, make replies, inforce Reasons, and urge Arguments several times. By this Order therefore they did preclude such as were Friends to the Hierarchy from making such Defence, Replications and Rejoinders as the necessity of such a Debate required, and shewed they were resolved to shew no more favour to that Cause then they were obliged, for fear of the Imputation of high Injustice to afford it. And indeed many in the House, declared themselves absolutely for rejecting the Petition, and it was not without Difficulty that they Obtained the Liberty not to be condemned with the Poets Injustice, *Parte inauditâ alterâ*.

Nothing Extraordinary passed this Day in the House of Commons.

wednesday,  
March 31.

A Bill against Bishops and Clergy-men Exercising Temporal Power, was read a second time, and Committed; as also the Bill for Regulating the Privy Council.

Thursday,  
April 1.

Sir John Hotham Reports the Inconveniencies and Expences of both Armies, and some Considerations for disbanding of them; but nothing further was done in it at that time.

Army.

The Fanatical Party were not only diligent in all places in Promoting real Petitions against *Episcopacy*, and to promote a thorough Reformation, as they called it; but they were, it seems, according to their Talent of Honesty, very forward in Counterfeiting Petitions in the Name of whole Counties, Printing and dispersing their Forgeries for real Truths; thereby to swell the Bulk of Grievances and Petitions, and to make their Party appear Numerous, and their Cause General. And upon such an Occasion, Sir Thomas Aston Petitioned the Honourable House of Lords, setting forth, *That one Henry Walker, and some other Stationers, had Printed, Vended and Dispersed a Counterfeit Petition as in the Name of the County Palatine of Chester, against Episcopacy and the Liturgy, as Anti-christian and Unlawful.*

Sir Thomas  
Aston Petitions  
the Lords a-  
gainst some  
Persons who  
had dispersed  
a Counterfeit  
Petition.

This was not Welcome to those Lords who Favoured the Faction, and therefore offence was taken at some unfit and indiscreet words in Sir Thomas Aston's Petition; for which he received a Reprehension from the House.

However, Walker and the others were likewise sent for, and received also a gentle Rebuke for their Offence; a slender punishment for so notorious a Piece of Forgery.

This Walker was a great Zealot of the Times, an Early Libeller of the Established Government; and he proved a notable proficient afterwards in the Trade: And the Reader is desired to observe, That as these great pretenders to Religion and Conscience had been before convict of Lying; so now they are of Forgery and Libelling upon Record; and certainly

The factious  
Pretenders to  
Conscience  
and Religion,  
guilty of Li-  
belling and  
Forgery upon  
Record.

T t t t t

it



I 6 4 I.

Fryday Apr. 2.  
Remonstrance  
of the State  
of the King-  
dom, Ordered.

Saturday Apr. 3.  
Monday Apr. 5.

Tuesday Apr. 6.  
Order for the  
Armies not  
Marching.

wednesday,  
April 7.

Thursday,  
Apr. 8. P. M.  
Heads of Con-  
ference with  
the Lords.

Sir John Wray's  
Speech, April  
9. about the  
Earl of Straf-  
ford.

it was like to prove a Glorious Reformation which was built upon such Foundations and by such Arts and Methods.

It was Ordered by the Commons, That the Committee of 24 do Collect the Heads of the great Grievances of the Kingdom, and fit and dispose them into a Petition, and present them to the House, to desire the Lords concurrence to represent them to his Majesty for Redress.

Little of any matter more then in reference to the Earl of *Strafford* passed these two days.

It was this day Ordered by the Commons, *That neither the Army nor the Train-Bands of Yorkshire shall march or advance without special Order from his Majesty unless the Scots do so, or some Foreign Enemy appear.*

By this Order they amused the People, and prepared them for the Entertainment of those Plots of the Armies marching up to *London*, and an Army of *French* which were to be Landed and joyn with them to destroy the Parliament, which were shortly to be discovered. Nor was either the making, or discovering the Plots they had made, and terrifying the People with Rumours, Fears and Jealousies of Dangers, Plots, and Conspiracies; the least Artifice which the Masters of the Faction made use of to Enflame the People and prepare them for those desperate Designs, in which they hoped thereby to ingage them, as in the ensuing account will abundantly appear.

Nothing Extraordinary.

Ordered, That a Conference be desired with the Lords upon these Heads. 1. Concerning the *advancing of the Army according to the Order of April 5.* 2. *To move his Majesty for an answer about disbanding the Irish Army, disarming Recusants, and removing them from the Court.* 3. *To know upon what terms the Scots Treaty stands, and to desire it may be brought to some speedy Issue.* 4. *To move the Lords that care may be taken to send some Chief Officer down to the Army with convenient speed.*

A Conference was also to be desired with the Lords about Expediting the Earl of *Strafford's* Tryal; upon which Subject Sir *John Wray* spoke as followeth.

Mr. Speaker,

**T***Ruth is the Daughter of Time, and Experience the best School-Master, who hath long since taught many Men and Estates the Sad and Woful Effects of an half-done work; those Convulsions and Renting Pains, which the Body of Great Britain now feels, shews us that the ill humours and obstructions are not yet fully purged, nor dissolved.*

Mr. Speaker, God will have a through work done; if instead of redressing Evils, we think to transact all, by removing of persons, and not things, well may we hush our Troubles for a season, but they will return with a greater violence.

For believe it, Mr. Speaker, (let us flatter our selves as we please) a dim-sighted Eye may see, that although we think we have now passed the Equinoctial of the *Straffordian* Line, and seem to have gone beyond *Canterbury*; yet their Faction and undermining Agents (of all Religions) grow daily more and more powerful; and no doubt do labour an extirpation of all Parliaments, and men that will not think, say, and swear to their Opinions and Practice.

Have



*Have we not then, Mr. Speaker, a Wolf by the ears? is there an way to go Scot-free, or Wolf-free, but one? then let us take, and not forsake, that old English Parliamentary Road, which is Via tuta, and will bring us safely to our Journeys end: that is my humble motion.*

1641.



A further Cessation of Arms for a fortnight was consented, if the Treaty shall so long continue.

Ordered, That the Statutes for keeping the Sabbath be put in Execution all *England* and *Wales* over, and that the Lord *Maier* have notice of it, and the several Counties by the respective Knights and Burgessees.

Thus was Religion made a Cloak to Court Popularity, and that this is doing no Injustice to the dissenting Faction, their future Actions, and even their sitting on that Day, will demonstratively manifest to all future Ages.

The Cessation of Arms was also prolonged for a month from the 16 of *April*, if the Treaty shall so long continue.

This day Mr. *Richard Perrot* of *Kingston* upon *Hull* in *Torkshire*, who was upon an Information of some words of ill consequence Preached in a Sermon two years since, impeached by the Commons, was discharged from his Imprisonment, Entering into Recognizance to appear again the Fifth day of *May* next ensuing to abide the Judgment of Parliament, if any shall be against him.

Saturday,  
Apr. 10. P. M.  
Order about  
the Lords-day.

Munday April  
12.

Mr. Perrot  
Minister of  
Hull Bailed by  
the Lords.

The Act for the more free Passage of the Gospel read a second time, and Committed.

Sir *Robert Pye*, Sir *H. Anderson*, Sir *G. Gerrard*, Mr. *Lau. Whittar*, added to the Committee for Discovery of the Popish Hierarchy, and the Examination of one *Brown* a Priest in the *Gate-House*, who intimates he has something to discover, and the Committee are to give no Copies of his Examination till further Order.

Popish Hierarchy.

Nothing Remarkable.

Taken up about the Earl of *Strafford*.

Nothing Remarkable.

Little of moment but what concerns the Trial.

Tuesday,  
April 13.  
Wednesday,  
April 14.  
Thursday,  
April 15.  
Friday April 16.  
Dr. Bray Ordered to Print  
his Recantation  
on Sermon.

The House of Lords being informed that Dr. *Bray* had made a full and satisfactory Recantation in a Sermon according to the Sentence of the House, they were pleased to superadd this, which was a far greater punishment than the former, *That he should Print his said Sermon.*

A Motion was made in the House for a Publique Day of Fasting and Humiliation: Which was another Popular Artifice, which the Faction, who were the greatest pretenders to Sanctity in the whole World, made Use of to ingratiate themselves into the Favour of the Multitude; who though many times they have not much of the substance of Religion themselves, yet would be thought to have, by the Veneration they seem to have for those who do more Eminently pretend to it, and appear its Patrons and Zealous defenders.

Saturday,  
Apr. 17. P. M.  
Motion for a  
Fast.

The great affair still concerning the Earl of *Strafford*.

This Day Mr. *Rigby* Reported from the Committee to whose consideration it was referred, the Case of Mr. *William Prinne* of *Lincolns-Inn*, who for his Seditious Pen and Language, had been severely handled by the High Commission Court; which rendred him a Popular Favourite, and was the occasion that raised him to make such a Considerable Figure

Munday,  
April 19.  
Tuesday April  
20. Mr. Prinne's  
Case Report-  
and the Votes  
concerning it.



1641.

in the Revolutions that happened in this Miserable Nation ; and after he had rendred the Faction the most considerable services, he lived to see himself and the *Presbyterian* Party, of which he was a most Zealous Champion, recompensed with Ignominy and Contempt, and was so far convinced of his Error in assisting those Popular Pretenders to Reformation, that he indeavoured all he could to oppose their Usurpations, and writ as severely against the Sovereignty of Parliaments, as he had some times Violently for it, as in due time and place shall be shewed ; nay, I have heard a Gentleman his familiar averr, That he was so infinitely sensible both of the Folly and Mischief of those Youthful and Passionately Injudicious Essayes of his Unfortunate Pen, which were rather the results of Prejudice and Revenge, then Law or Reason, that he has heard Mr. *Prinne* say, *That if the King had cut off his Head, when he only cropt his Ears, he had done no more than Justice, and done God and the Nation good Service.*

In favour of him, however, these Votes passed in the House of Commons.

Resolved upon the Question,

1. *That the Sentence given against Mr. Prinne in the Star-Chamber, Feb. 17. Anno 9 Car. is illegal, and given without Just Cause, and ought to be reversed, and that Mr. Prinne ought to be discharged of the Fine of 5000 l. imposed by the said Sentence, and of all Extents thereupon, and of his Imprisonment decreed by that Sentence.*

Resolved, &c.

2. *That Mr. Prinne ought to be restored to his Degrees in the University of Oxford, and to the Society of Lincolns-Inn, and to the Exercise of his Profession of an Utter Barrister at Law, and to his Chamber again in Lincolns-Inn.*

Resolved, &c.

3. *That Mr. Prinne ought to have Reparation for such Damages and Prejudice as he hath sustained by the said Sentence and Proceedings.*

Resolved, &c.

4. *That the Sentence given against Mr. Prinne in the Star-Chamber 14. Junii, 1637. Anno 13 Car. is illegal, and given without any Just Cause, and therefore ought to be reversed, and that he ought to be discharged of the Fine and Imprisonment thereby Decreed ; and that he ought to have Reparation and Recompence for the Damages sustained by that Sentence and the Execution thereof.*

Resolved, &c.

5. *That the Warrant Dated 27. Aug. 13 Car. made for the Transportation of Mr. Prinne from Carnarvon Castle to the Isle of Jersey, and his Imprisonment there, and other Restraints therein mentioned, are against the Law and Liberty of the Subject, and that he ought to be discharged of that Imprisonment, and to have Reparations for the Damages sustained thereby.*

Resolved, &c.

6. *That the Imprisonment of Mr. Prinne by a Warrant Dated 1. Febr. 1632. under the hands of Thomas Lord Coventry Lord Keeper of the Great Seal of England, Richard Lord Archbishop of York, Henry Earl of Manchester, Edward Earl of Dorset, Henry Lord Viscount Falkland, William Lord Bishop of London, Edward Lord Newburgh, and Sir Thomas Jermyn,*



*Jermyn, is unjust and illegal, and that they ought to give Mr. Prinne satisfaction for the Damages sustained by his Imprisonment.*

It was further Ordered, *That a Charge be drawn up against Dr. Heylin touching his promoting the Suit in Star-Chamber against Mr. Prinne.*

A Petition from the County of *Nottingham*, as also another from the County of *Lancaster*, being of the same Leaven with it, were read, and referred to the Committee for the Ministers *Remonstrance*.

This was Another Artifice the Party made great Use of, and were diligent in it to admiration, upon all Occasions of State to procure Hands to Petitions, which were Framed Generally by Dr. *Burges* his *Junto* in *London pro re nata*, and transmitted to their Correspondents, who by persuasions and threatnings, and all the Methods imaginable, procured hands to them; though, God knows, many of the Subscribers to Petitions against *Episcopacy* and Doctrinal Points were so far from Understanding them, or what they did, that many of them like the tumultuous *Ephesians*, knew not wherefore all those hands were come together; and one may safely affirm, who hath but a slender acquaintance with Country Capacities and Understandings, That several hands were at Petitions of persons who had but just Wit and Knowledg to distinguish between the right hand and the left.

But those who drew them into this Compliance, knew well enough what advantage to make of those hands; and from thence, they both made a kind of Estimate of their Strength and Numbers; and represented the Grievances they complained of and desired to be redressed as National Complaints, and the General Sense of the People, whereby they wonderfully animated their own Party, and discouraged not only the Loyallists, but Even the King himself, who wanted not those treacherous Friends about him, the misfortune of all Courts and Princes, Especially the Unfortunate, who were continually plying his Majesty with Fears and Apprehensions, how dangerous and hazardable it would be for him to oppose a Multitude, or stemm the swelling Torrent of a Nation; whereby they drew him insensibly into those Compliances, which brought those Fears and Hazards upon him which he thereby indeavoured to avoid; and he found himself infinitely deceived in following the Counsels of those pretended Friends, but really the most dangerous of his Enemies, when he saw those who begun with Petitioning, advance to the Highest and most insolent Methods of Compulsion.

Mr. *Rouse* Reports the Case of Dr. *Leighton*, upon which it was Resolved upon the Question,

1. *That the attaching, imprisoning and detaining Dr. Leighton in Prison by Warrant from the High Commissioners, is illegal.*

Resolved, &c.

2. *That the breaking up Dr. Leighton's House, and the taking away his Papers by Ed. Wright then Sheriff of London, and now Lord Mayor, is illegal.*

Resolved, &c.

3. *That the said Ed. Wright, then Sheriff, and now Lord Major of London, ought to give Reparations to Dr. Leighton for his Damages sustained by the breaking open his House, and taking away his Papers and other Goods as aforesaid.*

Resolved,

I 6 4 I.

Dr. Heyling to be impeached about Mr. Prinne.

wednesday, April 21. Petition from Nottinghamshire and Lancashire.

Dr. Leighton's Case Reported, and the Votes upon it.



1641.

Resolved, &amp;c.

4. That the Archbishop of Canterbury, then Bishop of London, ought to give satisfaction to Dr. Leighton for his Damages sustained by Fifteen Weeks Imprisonment in Newgate upon the said Bishops Warrant.

Resolved, &amp;c.

5. That the great Fine of 10000 l. laid upon Dr. Leighton by a Sentence in the Star-Chamber, is illegal.

Resolved, &amp;c.

6. That the Sentence of Corporal punishment imposed upon Dr. Leighton, the Whipping, Branding, Slitting the Nose, cutting off his Ears, setting in the Pillory, and the Execution thereof and Imprisonment thereupon, are illegal.

Resolved, &amp;c.

7. That Dr. Leighton ought to be freed from the great Fine of 10000 l. and from the Sentence of perpetual Imprisonment, and to have his Bonds delivered to him which he entred into for his true Imprisonment.

Resolved, &amp;c.

8. That Dr. Leighton ought to have good Satisfaction and Reparation for his great Sufferings and Damages sustained by the Illegal Sentences in the Star-Chamber.

It was ordered that Dr. Bastwick should have the Benefit of the Order for Mr. Prinne and Mr. Burton, to stall all process in the Exchequer for levying their Fines.

Upon an Information to the House of Peers that some disorders have lately happened in several Churches within the County Palatine and City of Chester, whereby the Divine Service hath been disturbed, or otherwise neglected and disquieted, *It is therefore thought fit and Ordered, That the Divine Service be performed as it is appointed by the Acts of Parliament of this Realm, and all such as shall disturb this wholesome Order, shall be severely punished according to the Laws, and the Parsons, Vicars and Curates in several Parishes shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise then those which are established by the Laws of the Land.*

The Faction of Dissenters were now grown so insolent, that an Orthodox Divine could scarce officiate according to Law without being affronted by some Petulant Sectary; and these Orders were so far from restraining them, that they rather gave them Encouragement; for they plainly saw, that notwithstanding the severe punishment that was threatened for these offences by a former Order in the same words, yet they were no further punished then to be again threatned; and they could not but easily discern the favour was shewed them, not to call it partiality, when upon the least Information by any Schismatick, the person was sent for as a Delinquent, imprisoned, and at the least put to vast expences and tedious attendance, whereas all they suffered upon such information as now mentioned, was only to be fairly warned, without any further Punishment.

A Bill against Bishops and the Clergy Exercising temporal Jurisdiction read, and Ordered to be ingrossed.

Mr.

Thursday,  
April 22.  
Bastwick.

Order of the  
Lords about  
Divine Service.

Fryday,  
April 23.  
Bill against  
Bishops.



Mr. Hide Reports the State of the Case of the President and Council of the North. Upon which these Votes followed.

Resolved upon the Question

1. *That the Commission and instructions whereby the President and Council in the North Exercise a Jurisdiction are Illegal both in the Creation and Execution.*

Resolved, &c.

2. *That the Court of the President and Council of the North, is unprofitable to his Majesty.*

Resolved, &c.

3. *That the Court of the President and Council of the North is inconvenient and grievous to his Majesties Subjects in those parts.*

Mr. Hide was also sent up to lay this matter before their Lordships which he did as followeth,

My Lords,

I Am commanded by the Knights, Citizens. and Burgeses of the House of Commons to present to your Lordships a great and crying grievance, which though it be complained of in the present pressures, but by the Northern Parts, yet by the Logick and consequence of it, it is the grievance of the whole Kingdom. The Court of the Presidents, and Council of the North, or as it is more usually called, the Courts of York, which by the spirit and ambition of the Ministers, trusted there, or by the Natural inclination of Courts to enlarge their own Power and Jurisdiction, hath so prodigiously broken down the banks of the first Council, in which it ran, hath almost overwhelmed that Countrey under the Sea of Arbitrary Power, and involved the People in a Labyrinth of distemper, oppression and poverty.

Your Lordships will give me leave not with presumption to inform your great understandings, but that you may know what moved the House of Commons to their resolutions to remember your Lordships of the foundation, and erecting this Court, and of the Progress and growth of it.

Your Lordships well know, that upon the suppression of all religious houses to such a value in the 27 year of H. 8. from that time to the thirtieth year of that Kings Raigh, many (not fewer than six Insurrections) and Rebellions were made in the Northern Parts, under pretence of that quarrel, most of them under the command of some eminent person of that Country, the which being quieted before the end of the 13 year, that great King well knowing his own mind, and what he meant to do with the great Houses of Religion; in the year following for prevention of any inconvenience that might ensue to him upon such distemper, in the 31 year of his Raigh granted a Commission to the Bishop of Landaff, the first President, and others for the quiet Government of the County of York, Northumberland, Cumberland, and Westmorland, the Bishoprick of Durham, the County of the Cities of York, Kingston upon Hull, and Newcastle upon Tyne. But my Lords, this Commission was no other then a Commission of Oyer and Terminer, only it had a Clause at the end of it, for the hearing of all causes real and personal, quando ambæ partes, vel altera pars sic gravata paupertate fuerit, quod quomodo jus suum secundum legem Regni nostri aliter persequi non possit, which clause how illegal soever, for that it is illegal and void in Law, little doubt can be made, yet whether they exercise that part of the Commission at all, or so sparingly exercised it, that poor People found ease and benefit by it, I know not; but at that time I find no complaint against it, till the coming in of King James the Commission continued still the same, and that in the first year of his Raigh to the Lord Sheffield varied no otherwise from the former same, only it had reference to instructions which should be sent, though any new sent or no is uncertain, but we can find none.

I 6 4 I.  
Saturday,  
April 24.  
Mr. Hide's Report of Court at York.

Mr. Hide's Argument about the President and Council of the North before the Lords.



I 6 4 I.

In June, in the seventh year of the Reign of King James a new Commission was granted to the same man ( the Lord Sheffield ) very differing from all that went before, it being left out, that they should enquire per sacramentum bonorum & legalium hominum, and to hear and determine secundum leges Angliæ; Relation being had only to the instructions which were the first instructions, we can find were sent thither, though I told your Lordships there were some mentions of some in 1. Jac. I shall not trouble your Lordships with these Instructions, nor with the other that followed in 14 Jacobi to the same man, nor in 16 Jacobi, when a new Commission was granted to my Lord Sunderland, nor indeed with any till we come to these present Instructions, and Commissions under which that part of the Kingdom groans and languisheth.

My Lord of Strafford came to that Government in December 4 Caroli, and since the Commission hath been three several times renewed in the fifth year in March, in the eighth in November, in the thirteenth year of his Majesties Reign into that Commission of 8. and 13. a new clause serued in for the granting, sequestring, and establishing Possessions according to instructions, crowded in a Mass of new exorbitant and intolerable power, though our complaint be against this Commission it self, and against the whole body of those instructions: I shall not mispend your Lordships pretious time in desiring to have the whole read, but shall presume to trouble your Lordships only with five or six of the instructions, that by the vast irregularity of those your Lordships may judge, how insupportable the whole burthen is, I shall not trouble your Lordships with the ninth Instruction, though it be but short, which introduceth that, miseram servitutem, ubi jus est vagum, & incognitum, by requiring an obedience to such ordinances, and determinations, as be or shall be made by the Councel Table, or high Commission Court. A grievance my Lords, homsoever consuetudo & peccantum claritas nobilitaverit hanc culpam, of so transcendent a nature, that your Lordships noble Justice will provide a Remedy for it, with no less care, then you would rescue the life and blood of the Common-wealth.

Read the 19, 22, 23, 24, 29, and 30. I will not trouble your Lordships with reading more, there being among them in the whole 58 Instructions, scarce one that is not against, or besides the Law.

Whether his Majesty may Canton out a part of his Kingdom to be tryed by commission, though according to the Rules of Law, since the whole Kingdom is under the Laws and Government of the Courts established at Westminster, and by this reason the several parts of the Kingdom may be deprived of that Priviledge, will not be now the question; that his Majesty cannot by Commission erect a new Court of Chancery, or a proceeding according to the Rules of the Star-Chamber, is most clear to all who have read Magna Charta; which allowed no proceedings, nisi per legale judicium Parium & per legem terræ: for our Court of Chancery here by long Usage and Proscription is grown to be as it were Lex terræ. But, my Lords, the Thirtieth Instruction goes further, and erects such an Empire, such a Dominion, as shall be lyable to no contrary.

The Courts of Westminster, my Lords, have superintendencies over all inferiour Courts to regulate their Jurisdictions, if they exceed their limits. As to hold Plea of greater value, or the like in his exercise of Jurisdiction, the Judges are sworn to grant, and send Prohibitions, and to stop the granting of these Prohibitions; or to neglect them, when they are granted, is the greatest and boldest scorn of the Law, and the Law-makers, that can be imagined.

The Kings Courts at Westminster, having been alwayes of that awful and reverent esteem, with inferiour Judges, that the instances of such contempts against them are very rare and exemplary in the punishment.

The Bishop of Norwich in Trinity Term, in the Twentieth Year of Edward the Third, in Rot. 289. in the Common-Pleas in Hillary Term, 21. in the Kings-Bench, was attached for disobeying a Prohibition at the Suit of Stracill, upon full and solemn discussion of the whole matter, the Court Resolved, That the proceedings of the Bishop were, inobedientiam & diminutionem Dominii, & potestatis Regiæ, autoritatis suæ rejectionem & coronæ suæ exhereditationem manifestam, &c. As the words of the Records are, and therefore adjudged the Temporalities of the Bishop to be seised into the Kings hand, and great, very great damages to be paid to Plaintiffs: And whosoever gave directions for these stout Instructions, might have remembered, that no longer since than Michaelmas, in the Seventh Year of Eliz. Rot. 31. an Attachment was granted against the Archbishop of York then President of that Councel, for forbidding the Goaler of York to deliver one Lambert his Prisoner, who was sent for by a Habeas Corpus from the



the Kings-Bench ; and if they would have believed the Resolution of all the Judges in England in Trinity Term, in the Sixth Year of King James, they would have known how unfit it had been to enlarge that Jurisdiction, since most of their proceedings being of an inferiour nature to what they are now grown, were then declared to be illegal and inconsistent with the Liberty of the Subject.

And can such a Court, as this, my Lords, deserve to live ? What a compendious abridgement hath York gotten of all the Courts in Westminster-Hall ? Whatsoever falls within the cognizance, or Jurisdiction of either Courts here, is compleatly determinable within that one Court at York, besides the power it hath with the Ecclesiastical and High Commission Courts.

What hath the good Northern People done, that they only must be disfranchised of all their Priviledges by Magna Charta, and the Petition of Right ; for to what purpose serve these Statutes, if they may be fined and imprisoned without Law, according to the discretion of the Commissioners ? what have they done, that they, and they alone of all the people of this happy Island must be disinherited of their birth-right, of their Inheritance ? For prohibitions, Writs of Habeas Corpus, Writs of Errour are the birth-right, the inheritance of the Subjects.

And 'tis here worth your Lordships observation, that to those many Prohibitions, which have been granted from above, for till of late, the Court of York had not the courage to oppose prohibitions, nor indeed till our Courts here, had not the courage to grant them. 'Twas never known, that Court pleaded the Jurisdiction of their Council, which without doubt they would have done upon the advantage of many great Persons, in whose protection they have always been, had they not known the Law, could not be misinterpreted enough to allow it.

Your Lordships remember the directions I mentioned of Magna Charta, that all proceedings shall be per legale Judicium Parium, & per legem terræ, now these Jurisdctions tell you, you shall proceed according to your discretion, that is, you shall do what you please, only that we may not suspect this discretion will be gentler and kinder to us than the Law, special provision is made no fine, no punishment shall be less than by the Law is appointed, by no means, but as much greater, as your discretion shall think fit ; and indeed in this improvement we find, Arbitrary Courts are very pregnant : if the Law require my good behaviour, this discretion makes me close Prisoner, if the Law sets me upon the Pillory, this discretion appoints me to leave my ears there.

But this proceeding according to discretion is no new expression, 'twas in the first Commission I told your Lordships of in the 31 Hen. 8. that they should proceed secundum legem & consuetudinem Regni Angliæ, vel aliter secundum iustas discretiones vestras, which in the interpretation of the Law, and that is the best interpretation, signifies the same thing, to proceed according to discretion, is to proceed according to Law, which is summa discretio, but not according to their private conceit or affection : For talis discretio ( says the Law ) discretionem confundit : and such a confusion hath this discretion in these Instructions produced, as if discretion were only removed from rage and fury : no inconvenience, no mischief, no disgrace, that the malice, or insolence, or curiosity of these Commissioners had a mind to bring upon that people, but through the latitude and power of this discretion the poor people have felt, this discretion hath been the Quick-sand which hath swallowed up their property, their liberty : I beseech your Lordships rescue them from this discretion.

Besides, the charge that this Court is to his Majesty, which is neer 1300 l. per annum, your Lordships will easily guess, what an unsupportable burthen the many Officers ( whose places are of great value ) the Attornies, Clerks, Registers, and above 1000. Solicitors that attend the Courts, must be to that people ( insomuch ) that in truth the Countrey seems to be divided into Officers and Dependants upon that Court : And the people upon whom these Officers of that Court prey and Commit Rapines, as he said in Petronius, Omnes hic aut captantur, aut captant ; aut cadavera quæ lacerantur, aut corvi qui lacerant. Truly my Lords, these vexed worn-people of the North are not suitors to your Lordships, to regulate this Court, or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing this Court ; they are of Cato's mind, who would not submit to Cæsar for his life, saying, he would not be beholding to a Tyrant for injustice, for it was injustice in him to take upon him to save a mans life, over whom he had no power.

So these Gentlemen desire not to be beholding to this Court hereafter for injustice. The very administration of injustice, founded upon such illegal principles being a grievance and oppression to the Subject.

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First



I 6 4 I.

First upon the whole matter the House of Commons is of Opinion, that the Commission and Instructions whereby the President and Council of the North exercise a Jurisdiction, is illegal, both in the creation and execution.

Secondly, that it is unprofitable to his Majesty, for besides so much, near thirteen hundred pound taken out of his Majesties Revenues every year, his Majesty loseth the great benefit would accrew to him upon Writs and upon Fines, upon Out-laws, and other profits, which redound to his Majesty out of his Court here.

And which I had almost forgot to tell your Lordships of, that his Majesty may be sure to have benefit from that Court notable care is taken, by the fifty three Instructions; And if any money remains over and above all disbursements, it shall be bestowed in providing Household-Stuff, and furniture for the House, where the Lord President and Council use to be.

And lastly, that it is inconvenient and grievous to his Majesties Subjects of those parts.

And therefore they are humble Suiters to your Lordships, and the House of Commons, on this behalf, that since this People do, and have, in all matters of duty and affection contend with the best of his Majesties Subjects, that they may not be distinguished from them in the manner of his Majesties Justice and Protection, since this Court originally instituted and continued by his Majesty, for the ease and benefit of his Subjects, is apparently inverted to the burthen and discomfort of them, that your Lordships will joyn with the House of Commons in beseeching his Majesty, that the present Commission may be revoked, and no more such granted for the future.

Sir Thomas  
Roe sent Am-  
bassador to  
the Diet in  
Germany.

Sir Thomas Roe being appointed by his Majesty to go Ambassador to the Diet in Germany, in order to mediate the Re-establishment of the King of Bohemia in the Palatinate, begged the Favour of that House, That notwithstanding that Emphy, he might still continue a Member of that House; which was granted accordingly.

Monday,  
April 26.

The House fell upon the affair of the Scots Treaty, upon which occasion Mr. Jervis Hollis made this following Speech.

Mr. Speaker,

Mr. Jervis  
Hollis his  
Speech about  
the Scots de-  
mands, April  
26.

I Have with much difficulty persuaded my self to offer any thing; my stock's little to this reckoning; yet since I have adventured to rise, I shall take the Liberty with your favours to deliver my self freely: I have a blunt way in speaking my heart, it may be peradventure a folly in me, but it is a folly I love so well I will not part with it.

Sir, we are now upon the 5th Article of the Scots, which as it was Expressed by a Noble Lord at the Conference, is a very pregnant and teeming Article, it hath produced many other, and they such as I must confess and affirm, whatsoever Fucus or Artifice they be slighted over with, I do not like their Countenance, they may well be our younger Brother of Scotland, but like Jacob, they seem to me, as if they had an aim to supplant us and take away our Birthright.

Sir, There is no man that hath a more charitable construction of Intentions then I had, whilst they made their Addresses in humble distance, as befitted Subjects to their Sovereign; whilst they bounded their desires within the due limits of their ancient Liberties, and seemed to wish nothing but the just freedom of Subjects and Christians in their Laws and Consciences, my heart went along with them, and I wished them satisfaction; But now, Sir, when I see them swell in their demands beyond all proportion, when I heard them enlarge upon their first Propositions, and require things unfit for a King to grant, and dishonourable for this Nation to suffer, I cannot but fix a mark of danger upon them, I fear we have nourished in our Bosoms those that will sting us to Death.

Here being interrupted, yet the House Commanding him to go on, he laid as followeth,

Sir, I am sorry for this interruption, much more sorry if I have given a cause for it, for the clearness of my own thoughts acquit me; I brought no Intentions here but such as were full of fidelity and zeal for the Service of this House and my Country, and shall always: and now if you please to command me to express my self like an English man  
and



and an honest man, I shall proceed, otherwise I shall testifie my Obedience in my Silence:

1641.

Then he was commanded to proceed, which he did as followeth,

The miseries and calamities which this poor Kingdom hath thus long suffered, have hung like weights upon my Soul, and I have groaned under the oppression, for it was a great one; But these, as they call them, Propositions, I must call them Commands, and I fear they will prove so; they threaten yet more; it is to unman us quite, and leave us in a Condition of all others the most depiseable: for these appear to me like the demands of Naash to the men of Jabeth, putting out our right Eyes.

Sir, our Ancestors have not been acquainted with so much tameness as to hear of such demands at a distance, and it cannot but trouble me, that we should not only meet them at the half way, but Embrace the Bearers.

Sir, We are the Offspring of those Ancestors, their blood runs in our Veins, and I hope as yet is not all turn'd to water, there are spirits of life and activity in us, and these will revive and speak plain English to us, whatever damp or Apoplexie this spirit of slumber hath cast upon us, and I hope we shall either yet live with Honour, or take our Honourable Farewell, and so be Honest and Gallant Men; betwixt these two there is not much difference.

Therefore, Sir, My humble Proposition is this, That these Propositions may be Committed to a Select Committee to consider of; which carry Reason and Modesty with them, that they may be presented here as fitting to be granted, and that those which are of another Insinuation may be rejected: And if our firm Peace may be had upon Honest and Honourable Terms, I will cherish the thoughts of it; if not, there are but two ways left worthy the Entertainment of this Nation, that is, to stand or fall with Honour.

God I hope, and our English Virtues, will secure the first; if otherwise, he is neither worthy of Life nor Memory, that shall not bury himself in the Ruins of his Country.

Though certainly nothing was ever spoken either with greater Truth, or more of the Spirit of the Ancient English Gallantry, and that Bravery of Mind, which has rendred the Courage of the English so conspicuous throughout the whole habitable World; yet such was, the Degenerate, or to speak more truly, the Designing Temper of the Presbyterian Party in the House of Commons, and so great a tenderness had they Espoused for their Dear Brethren the Rebels of Scotland, that that Party of the House was all in a Flame at this bold Speech, which dar'd speak Truth; And no sooner was he fate down, but with a fiery impatience they called, *To the Barr, to the Barr*. But the more moderate Party interposing, desired he might first Explain himself: It was granted; but all he could say in his own Defence, or to sweeten his Expressions, was not able to soften their resentments, which were so Exasperated, as that they had difficultly the Patience to hear him Explain himself, before they cryed out, *Withdraw, withdraw*; which being done, it was

Resolved upon the Question,

That Mr. Jervis Hollis shall be called to the Bar for this offence.

Resolved, &c.

That Mr. Jervis Hollis shall be suspended from the House during this Session.

And accordingly Mr. Hollis being called to the Barr, Mr. Speaker pronounced this Sentence from the House upon him.

By which Action they made it Evident, That, after all their pretensions to maintain inviolably the Priviledges of Parliament, the Reputation of their Scottish Confederates was infinitely more Dear unto them;

U u u u u 2

for



I 6 4 I.

for certainly, Freedom of Debate and Liberty of Speech in that Honorable Assembly, as it is one of the three standing Priviledges which are at the beginning of all Parliaments requested by their *Speaker* from the King, so it is so Essentially Fundamental to the very Being of all Deliberate Councils, that without it their Debates cannot in any wise be said to be Free. And it is further Remarkable, That these very persons did upon every occasion make use of this Freedom with the most Extensive Liberty, and sometimes not without Exceeding the very limits of Duty and Subjection, to Debate, Examine and Censure the Actions not only of Private Persons, but of the Courts of Judicature, Privy Council, the House of Peers, and Even the King himself, and yet no person gave them the least check or controll, and who ever had, would most certainly have suffered the Utmost Parliamentary Severities, as an Invader and Subverter of this great Priviledg of Freedom of Debate, as is Evident in the Injustice done to this Gentleman, and the Lord *Digby*, for declaring their Minds according to their Consciences; and not only an Injustice to them, but to the persons by whom they were chosen as Representatives, who by this procedure had not the Liberty of the Birth-Right of the Freeholders of *England*, to Assent or Dissent from such things as being transacted in Parliament, were by their consent to be with the Kings Royal Stamp formed into Laws and Rules for their Obedience.

But it was necessary, as they thought, to make some Persons who opposed them, Exemplary, *in Terrorem*, to teach others to smother their Consciences, rather than incur the Displeasures and Censures of the House, which as the Times then went, did not only render any person Infamous and Contemptible, but so Criminal and Odious to their Tumultuary Party without Doors, that whoever durst contradict the Sense of the House, inevitably Exposed himself to all the Affronts and Insolencies of that Rabble of Fanaticks who perpetually filled the places adjacent to the *Commons House*, and almost to the hazard of his life as well as his Reputation.

A Bill for Regulating abuses in Ecclesiastical Courts was read the first time, and Committed.

A Bill for the Forfeiture of the Lands and Hereditaments of *John James*, and for his farther punishment for stabbing Justice *Heywood* at *Whitehall*, was also read a second time, and Committed.

Mr. Treasurer acquainted the House from his Majesty, *That his Majesty Expects the House at Two of the Clock to morrow to attend him at the Banqueting-House at Whitehall concerning his Answer, to Disband the Irish Army, Disarm Recusants, and Remove Papists from the Court.*

A Bill for Punishing and Fining of the Members of the late Convocation of the Province of *Canterbury*, read a second time, and Committed to

|                           |                       |                     |
|---------------------------|-----------------------|---------------------|
| Sir Robert Crane,         | Mr. Jennour,          | Sir Walter Erle,    |
| Mr. Perd,                 | Mr. Cory,             | Serjeant Wild,      |
| Mr. Strode,               | Sir Arthur Haslerigg, | Mr. Pym,            |
| Mr. Wheeler,              | Mr. Hoile,            | Sir Simon D'Ewes,   |
| Sir Tho. Widdrington,     | Sir Edw. Mountfort,   | Mr. Martin,         |
| Mr. Warwick,              | Mr. Glyn,             | Mr. Crew,           |
| Sir Christoph. Tolverton, | Sir Martin Lumley,    | Sir John Evelyn,    |
| Mr. Pierrpoint,           | Mr. Hide,             | Mr. Northcote,      |
| Sir Henry Mildmay,        | Sir William Litton,   | Sir Ed. Hungerford, |

Mr.

Tuesday,  
April 27.

A Bill against  
*James* who  
stabbed Mr.  
*Heywood*.

Message from  
the King.

A Bill to pu-  
nish the late  
Convocation.

Committee  
for the Con-  
vocation Bill.



|                       |                         |                    |
|-----------------------|-------------------------|--------------------|
| Mr. Rolles,           | Sir Gilb. Gerard,       | Sir H. Vane,       |
| Sir J. Culpeper,      | Sir Richard Onslow,     | Mr. Holborn,       |
| Mr. Goodwin,          | Mr. Hambden,            | Sir Edw. Verney,   |
| Sir Tho. Middleton,   | Sir Philip Stapleton,   | Mr. Palmer,        |
| Sir William Lewis,    | Sir William Strickland, | Sir H. Wallop,     |
| Sir Christopher Wray, | Sir Tho. Barrington,    | Mr. Rouse,         |
| Mr. Maynard,          | Sir William Armyn,      | Sir Ed. Vowell,    |
| Mr. Comptroller,      | Mr. White,              | Mr. Denzel Hollis, |
| Mr. Moore,            | Sir Beauchamp St. John, |                    |

I 6 4 I.

I have not been able to recover a View of that Bill; but if their own Historians do not abuse them, they who had so lately Voted the Great Fines set upon *Prinne*, *Burton*, and *Bastwick*, to be so Illegal, and such Horrible Injustice, yet by this Bill intended to Fine the Clergy of the *Convocation* 200000 *l.* which was as much, if not more, then their whole Estates amounted to, if the rest held proportion, as 'twas said they should, with those mentioned, *viz.* My Lord Archbishop of *Canterbury* 20000 *l.* the Archbishop of *York* deceased 10000 *l.* Bishop *Wren* 10000 *l.* the Bishop of *Chester* 3000 *l.* and so the rest in Proportion.

This Day a Bill for Regulating Elections, was read a second time.

Mr. Rouse Reported Heads of Reasons for a Day of Solemn Fasting and Humiliation.

wednesday;  
April 28.  
Mr. Rouse Re-  
ports Reasons  
for a Fast

1. That notwithstanding our former Humiliation, many Dangers and Fears yet remain.
2. The small progress in Affairs of the Church and State, after long and laborious Endeavours.
3. The Multitudes of Evils both in Church and Commonwealth, generally complained of, which require a Great and General Humiliation.
4. For the averting Gods Judgments justly due to us, and particularly threatned in a Contagious Sicknes now begun among us.
5. For the obtaining of good Success in the Reformation of the Church now generally Desired and Expected.
6. For a happy and settled Peace and Union between the Two Kingdoms of England and Scotland.
7. To implore Gods Blessing upon his Majesty and the whole Parliament in the Great Affairs of Church and Commonwealth.

Sir Thomas Barrington Ordered to go up to desire a Conference with the Lords upon that Subject.

Whoever will take the pains to compare these Heads, with the Heads of the *London* Petition presented to both Houses upon the 24, and which the Reader will find in the subsequent History of the Earl of *Strafford*, will observe so near a resemblance between them, that he will scarce find a liberty of doubting whether they were not Twins born of the same Parents: nor will he Wonder, who considers their after-carriage, that these Designing Men made Use of or rather abused the most Solemn Duties of Religion, to support and carry on their Enterprizes; and, when they had by their utmost Industry procured Petitions from all Quarters, complaining of Grievances, and importuning a Reformation both in Church and Commonwealth, that they should indeavour to Rivet this into the belief of the Nation, that all those Evils, Fears, Dangers, and Complaints, many of which were frivolous, and more false, and most Ma-  
licious



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licious, were so true and real, that there was a necessity of a Solemn Fast and Humiliation, to implore the Divine Majesty to prevent and remove those Dangers which they themselves had Created; and by making the Expectation of a Reformation another head for their Fasting, to create that Expectation in the People, and the belief of the necessity of it; and that it must come from God, who was to be importuned for assistance to accomplish it; which when it was accomplished, proved it self to be of the Devil, who is the author of Mischief and Confusion; for such, in the End, proved the so much Expected, and so long laboured glorious thorough Reformation.

According to his Majesties appointment, both Houses attended his Majesty at the *Barquetting-House* at *Whitehall*, where he spoke to them as followeth:

My Lords and Gentlemen,

The King's  
Speech to  
both Houses,  
about disband-  
ing the Irish  
Army, &c.

**F**Or answer to your Desires I say, First, concerning the Removal of Papists from Court, I am sure you all know what legal Trust the Crown hath in this particular; and therefore I need not say any thing to give you assurance that I shall use it so, that there shall be no just Cause of Scandal.

Secondly, for the Disarming of Papists, I am very well content it shall be done according to Law.

Thirdly, For the Irish Army, you must Understand, I am already upon Consultation how to Disband it; but I find many Difficulties in it; therefore I hold it not only fit to wish it, but to shew the way how it may conveniently be done, and therefore in this I shall not be unwilling to have your Advice and Assistance.

This is not all I desire; but since you have mentioned the Disbanding of Armies, it is my Duty to my Country to wish for Disbanding of all Armies; and to restore the same Peace to all my Three Kingdoms that the King my Father did leave them in: And I Conjure you, as you will answer the same to God and to your Countrey, to joyn with Me heartily and speedily for the Disbanding the two Armies in England.

This is a very good time to speak of it, and there are but two Wayes to do it. One is to answer their Petitions, and the second is to provide Moneys, You are Masters of the One, and with me you are Judges of the Other; and you shall not be readier (nor so ready) to bring this to a happy Conclusion, then I My Self shall be.

How infinitely this Great Prince was abused and misrepresented to his Subjects, by these Factious People in private, none can doubt, who does but consider that even this Speech, was represented in publique by the Prints, so different both from his Majesties Words and Sense, as if they had a Design to prepare the Minds of the Nation for the Belief of that Plot of a Design to bring up the Armies to *London*, and to bring over the *Irish* Army, which was now hatching and ready to be broached to amuse the People; the Weekly Disperser of the Intelligence which flew throughout the Kingdom, hath this Passage, *That his Majesty told the Two Houses, For the Irish Army he hath Entred into Consultation about it, but could not yet well Disband it, for divers Reasons best known to himself.* Whereas it is most Evident that his Majestie put it to the Two Houses to remove the Difficulties about that Disbanding, which he tells them he holds fit



not only to wish it, but to shew the way how it may conveniently be done, and expects their Advice and Assistance in it.

The Bill for destroying *Turkish* Pirates read the 3<sup>d</sup> time and passed.

This Day the House sate not, only a Committee in the Afternoon upon the *Remonstrance* of the General Grievances of the Kingdom.

The *Speaker* Reported the Kings Speech upon *Wednesday* last to the House; and then they Fell into the debate of the Subsidies, but came not to any Resolution.

The Bill against the Bishops and Clergy Exercising Temporal Jurisdiction, read a third time and passed; and Mr. *Goodwin* Ordered to carry up this Bill and the Bill against *Turkish* Pyrates to the Lords for their concurrence.

Ordered, That Mr. Selden, Mr. Whittlock, Mr. Glyn, and Serjeant Wild, retire immediately into the Committee-Chamber, to insert a Clause into the Bill of Subsidies, That neither the passing of that Bill nor any other shall determine this Sessions of Parliament.

Thus did they indeavour not only to prune the Prerogative, but to cut it up by the Roots, and to Establish themselves in a Sovereign and boundless Authority of sitting so long as they pleased themselves.

To Effect this, there was a necessity to amuse the Nation with the strange Fears and Jealousies of Plots, Conspiracies both Domestick and Forreign, and to draw the People into Tumultuary Heats and Disorders after the Example of *Scotland*, and thereby oblige the King to compliances with their Unreasonable and Ambitious Demands. And the sequel will abundantly manifest, that Mr. *Pym*, the great Engineer of the Faction, so long as he lived, never wanted Plots or Tumults to Usher in his great Designs, two of which were now the Death of *Strafford*, and the Obtaining a Bill for the Sitting of the present Parliament till they should be Dissolved by their own consent. Of which the Reader will receive a more full account in the *Second Volume* of these *Collections*, this having already risen to an Unexpected Bulk, whither, to avoid repetition, he is referred. However for Satisfaction I have added the *Protestation*, and the manner of its rise, which was thus:

The King having made a Passionate Speech on *Saturday* in favour of the Earl of *Strafford*, the *Commons* no sooner returned to their House, but in a great Pet and Discontent they cryed, *Adjourn, Adjourn*; which they presently did till *Munday*.

Upon *Munday* Mr. *Pym* acquainted the House with Strange and Desperate Designs at home and abroad against the Parliament and Peace of the Kingdom; a Design upon the *Tower*, and for the Escape of the Earl of *Strafford*; another of bringing up the *English* Army to Aw the Parliament; as also of the Landing of the *French*, who, he said, had in Hast drawn down their Forces to the Sea Coast: And that therefore it was necessary for them to Enter into a Common Resolution for the Common Safety.

This was seconded by divers of the Faction, and particularly by Sir *John Wray*, who spoke upon this Subject as followeth.

Mr. Speaker,

**I**F ever we intend to perfect and finish the great Works we have begun, and come to our Journeys end, let us take and follow the right way, which is *Via tuta*; and that is in a word to become holy Pilgrims, not Popish,

I 6 4 1.

Thursday,  
April 29.

Fryday,  
April 30.

Saturday,  
May 1.  
Bill against  
Bishops passed  
in the Com-  
mons House.

Order to in-  
sert a Clause  
into the Bill  
of Subsidies.

Saturday,  
May 3.

Sir John  
Wray's Speech  
about a Cove-  
nant, May 3.



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Popish, and to endeavour to be Loyal Covenanters with God and the King; first binding our selves by a Parliamentary and National Oath, (not a Stratfordian, nor a Prelatical one) to preserve our Religion entire and pure, without the least compound of Superstition, or Idolatry: Next, to defend the Defender of the Faith, his Royal Person, Crown, and Dignity, and maintain our Sovereign in his Glory and Splendor, which can never be Eclipsed, if the Ballance of Justice go right, and his Laws be duly executed.

Thus doing, Mr. Speaker, and making Jerusalem our chiefest joy, we shall be a Blessed Nation, and a Happy People. But if we shall let go our Christian hold, and lose our Parliament proof, and Old English well-tempered mettle; Let us take heed that our Buckler break not, our Parliaments melt not, and our Golden Candlestick be not removed; which let me never live to see, nor England to feel the want of: that is my Prayer to conclude my former Motion.

Presently a Form of a Solemn Protestation was Exhibited, and though it was without the Consent of the King and Lords, or so much as their Privy, and a kind of Combination or Covenant to discriminate their Party and try their Strength, yet it was as presently agreed to and taken, so far as I can learn, without any opposition or suspicion of any future ill Intention, by the whole number of the Commons then present, and the absents afterwards.

I have met in some Prints, that the Lord Digby and his Uncle declined it, but his Name is entred in the Journal.

The Preamble and Protestation were in these words:

The Protestation taken by the House of Commons, May 3.

**W**E the Knights, Citizens, and Burgeses of the Commons House in Parliament, finding to the Grief of our Hearts, that the Designs of the Priests and Jesuits, and other adherents to the See of Rome, have of late more boldly and frequently put in practice than formerly, to the undermining and danger of the Ruine of the true Reformed Religion, in his Majesties Dominions established, and finding also that there hath bin, and having cause to suspect there still are, even during the Sitting in Parliament, endeavours to subvert the Fundamental Laws of England, and Ireland, and to introduce the exercise of an Arbitrary and Tyrannical Government, by most pernicious and wicked Counsels, Practises, Plots, and Conspiracies, and that the long intermission, and unhappier Breach of Parliaments, hath occasioned many illegal Taxations; whereupon the Subjects have been prosecuted and grieved, and that divers Innovations and Superstitions have been brought into the Church, Multitudes driven out of his Majesties Dominions, Jealousies raised and fomented between the King, and his people, a Popish Army leavied in Ireland, and two Armies brought into the bowels of this Kingdom, to the hazard of his Majesties Royal Person, the Consumption of the Revenue of the Crown, and the Treasure of this Realm. And lastly, finding the great causes of Jealousie, endeavours have been and are used to bring the English Army into misunderstanding of this Parliament; thereby to incline that Army by force, to bring to pass those wicked Counsels, have therefore thought good to joyn our selves in a Declaration of our united affections, and resolutions, and to make this ensuing Protestation.

The Protestation.

**I**A. B. Do in the presence of Almighty God, promise, vow, and protest to maintain and defend, as far as lawfully I may, with my life, power and estate, the true Reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery and Popish Innovation within this Realm, contrary to the said Doctrine, and according to the Duty of my Allegiance, I will maintain and defend his Majesties Royal Person, Honour, and Estate.

As also the power and priviledg of Parliaments, the lawful Rights and Liberties of the



the Subjects. And every person that shall make this Protestation, in whatsoever he shall do in the lawful pursuance of the same, and to my power, as far as lawfully I may, I will oppose, and by all good wayes and means endeavour to bring condigne punishment on all such as shall by Force, Practice, Counsels, Plots, Conspiracies, or otherwise, do any thing to the contrary in this present protestation contained, and further, that I shall in all Just and Honourable wayes, endeavour to preserve the Union and Peace betwixt the Three Kingdoms of England, Scotland, and Ireland. And neither for Hope, Fear, or any other respects, shall relinquish this Promise, Vow, and Protestation.

1641.

A List of the Members of the House of Commons who took the Protestation May the 3<sup>d</sup>. 1641, and at several times afterwards, as they stand Entred in the Journal of the House of Commons.

|                                           |                          |                         |
|-------------------------------------------|--------------------------|-------------------------|
| <b>W</b> illiam Lenthall Esq.<br>Speaker. | William Strode Esq.      | Henry Vaughan Esq.      |
| Sir Edw. Bainton,                         | Nath. Fiennes Esq.       | Edward Kirton Esq.      |
| James Cambel Esq.                         | Henry Marten Esq.        | Edw. Bagshaw Esq.       |
| Sir John Heal,                            | John Bodvile Esq.        | Sir Walther Smith.      |
| Thomas Tomkins Esq.                       | Sir Patricius Curwin.    | Rich. Harding Esq.      |
| Sir John Finch,                           | Edw. Mountague Esq.      | Geoffry Palmer Esq.     |
| James L. Compton,                         | Geo. Mountague Esq.      | Bulstrode Whitlock Esq. |
| Sir Hen. Anderson.                        | Rich. Shuttleworth Esq.  | William Price Esq.      |
| Sir Harbottle Grimston,                   | John Moore Esq.          | Henry Lucas Esq.        |
| Sir Robert Pye.                           | Sir Simon D'Ewes.        | Gilbert Millington Esq. |
| Arthur Capel Esq.                         | Sir John Wray,           | Sir Tho. Hutchinson.    |
| Sir Arthur Ingram,                        | Sir Christopher Wray,    | Sir William Morley,     |
| Ferdinando L. Fairfax,                    | Sir Martin Lumley,       | Sir Henry Bellingham.   |
| Sir Henry Mildmay,                        | Herbert Morley Esq.      | Sir John Franklyn.      |
| Sir William Armyn,                        | Tho. L. Grey.            | Sir John Clotworthy     |
| Sir Roger North,                          | Roger Burgoign Esq.      | Sir Edw. Mountfort.     |
| Sir Walter Devreux,                       | Rich. Shugburrrough Esq. | William Cage Esq.       |
| Tho. Hatcher, Esq.                        | Sir Edw. Hungerford,     | Jo. Northcot Esq.       |
| Sir Christopher Telverton,                | Sir John Curson,         | Sir Tho. Middleton,     |
| William L. Russel,                        | William Pierpoint Esq.   | Sir John Salisbury,     |
| Sir Philip Stapleton,                     | John Wastall Esq.        | Sir Robert Napier,      |
| Henry Pelham Esq.                         | Hugh Owen Esq.           | Sir Ralph Verney,       |
| Henry Cholmley Esq.                       | Sir William Stanhop,     | Tho. Lower Esq.         |
| Sir John Hotham.                          | Norton Knatchbull Esq.   | Fra. Gerrard Esq.       |
| John Pym Esq.                             | Sir Edw. Hales.          | Peregrine Pellham Esq.  |
| Sir Benj. Rudyard.                        | Sir Edw. Masters.        | Tho. Fountain Esq.      |
| William Herbert Esq.                      | John Coucher Esq.        | Charles Price Esq.      |
| William Digby Esq.                        | Sir William Strickland,  | Henry Vernon Esq.       |
| Geo. L. Digby.                            | Sir Edw. Boyce.          | Lord Lisle.             |
| Sir Ralph Hopton,                         | Sir Tho. Walsingham,     | Edw. Douce Esq.         |
| Sir Gilbert Gerrard,                      | Sir Peter Wroth.         | Robert Scawen Esq.      |
| Lord Ruthyn.                              | Tho. Maleverer Esq.      | Sir Tho. Fanshaw,       |
| Sir Nevil Pool.                           | Sir Edw. Bainton.        | Sir Dudley North.       |
| Sir Geo. Dalston.                         | Sir John Pawlet,         | Lau. Whiteacre Esq.     |
| Sir Tho. Bowyer.                          | Oliver Cromwell Esq.     | Sir Humphrey Tuston.    |
| John Hambden Esq.                         | Sir Gilbert Pickering.   | Henry Hayman Esq.       |
| Denzil Hollis Esq.                        | Sir Tho. Widdrington,    | Tho. Hebblethwait Esq.  |
| Jo. Maynard, Serjeant at Law.             | William Whiteacre Esq.   | Arthur Jones Esq.       |
| Sir Robert Harley,                        | Mich. Oldsworth Esq.     | William Bell Esq.       |
| John Glyn, Serj. at Law.                  | Sir John Harrison.       | John Harvey Esq.        |
| John Selden Esq.                          | Sir Hugh Cholmley,       | John Ash Esq.           |
| Sir John Culpeper,                        | Sir Henry Herbert,       | George Gallop Esq.      |
| Sir Tho. Barrington,                      | Isaac Pennington Ald.    | John Nash Esq.          |
| John Vaughan Esq.                         | George Peard Esq.        | Edw. Ash Esq.           |
| L. Viscount Faulkland,                    | Sir Robert Howard,       | Rich. Seabourn Esq.     |
|                                           | Sir Richard Wynn.        | Cornelius Holland Esq.  |
|                                           | William Plydall Esq.     |                         |

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Edm.



1641.

Edm. Dunch Esq.  
 Sir William Widdrington  
 Richard Barvis Esq.  
 Humphrey Hook Esq.  
 Robert Trelauney Esq.  
 Richard Weston Esq.  
 John Goodwin Esq.  
 Nath. Stephens Esq.  
 John White Esq.  
 Sir Edward Griffith.  
 Sir Fred. Cornwallis  
 Sir Ralph Sydenham  
 Fitz-Will. Conisby Esq.  
 Baptist North Esq.  
 Rich. Alborough Esq.  
 Orlando Bridgman Esq.  
 Dr. Sam. Turner.  
 Ralph Snead Esq.  
 Sir Edward Patherich  
 Sir Peter Temple  
 Robert Holborn Esq.  
 Peynings Moore Esq.  
 Sir William Lewis  
 Peter VENABLES Esq.  
 Henry Killegrew Esq.  
 John Harris Esq.  
 John Moston Esq.  
 Peter Leigh Esq.  
 Dr. Thomas Eden.  
 William Glanville Esq.  
 Arthur Godwin Esq.  
 Edward Owmor Esq.  
 Thomas Toll Esq.  
 John Polwheel Esq.  
 Symon Thelwell Esq.  
 Oliver St. John, Solicitor  
 General.  
 Sir William Allanson.  
 John Crew Esq.  
 Richard Catlyn Esq.  
 Robert Godwin Esq.  
 Jo. Blakiston Esq.  
 Sir William Brereton  
 Miles Corbet Esq.  
 Philip Smith Esq.  
 Sir Richard Vivian.  
 Henry Ravenscroft Esq.  
 Sir Tho. Middleton.  
 Rich. Knightley Esq.  
 Ralph Ashton Esq.  
 Will. Fitz-Williams Esq.  
 Henry Bellasis Esq.  
 Sir Edward Ascough  
 Sir Edward Stowel  
 Thomas Chicheley Esq.  
 Sir John Price  
 Rich. Boyle L. Dungar-  
 van.  
 Edward Pool Esq.  
 Roger Hill Esq.  
 Sir Edmond Varney

Sir John Eveling  
 Edm. Prideaux Esq.  
 Giles Green Esq.  
 Dennis Bond Esq.  
 Roger Matthews Esq.  
 Roger Palmer Esq.  
 Touch Tate Esq.  
 John White Esq.  
 Richard Moor Esq.  
 Richard Rose Esq.  
 William Wheeler Esq.  
 Thomas Pury Esq.  
 William Purefoy Esq.  
 Robert Jennour Esq.  
 William Spurstow Esq.  
 Henry Wilmot Esq.  
 Coll. Ashburnham  
 John Ashburnham Esq.  
 Hugh Pollard Esq.  
 Simon Snow Esq.  
 Richard Ferris Esq.  
 Edward Thomas Esq.  
 Serjeant Wild.  
 Humphrey Salloway Esq.  
 Sir Thomas Leeds.  
 William Harnion Esq.  
 Sir Jervase Clifton  
 John Coventry Esq.  
 William Herbert Esq.  
 Sir George Wentworth  
 Edward Seymour Esq.  
 Hugh Rogers Esq.  
 John Wogan Esq.  
 William Mallory Esq.  
 Henry Brett Esq.  
 John Trevanian Esq.  
 Walter Lloyd Esq.  
 Sir Richard Leigh.  
 Oliver Upton Esq.  
 Sir Thomas Ingram.  
 Sir Robert Crane  
 John Arundel Esq.  
 Jonathan Rushley Esq.  
 Richard Arundel Esq.  
 John Waddon Esq.  
 John Pierceval Esq.  
 Sir William Portman  
 Sir Theobald Gorge.  
 Thomas Smith Esq.  
 Sir Martin Lister.  
 Sir Thomas Cheek  
 Anthony Beddingfield Esq.  
 Sir Thomas Smith.  
 Ralph Ashton Esq.  
 John Potts Esq.  
 Francis Rouse Esq.  
 Pierce Edgcomb Esq.  
 Sir Walter Erle.  
 Sir William Massam  
 Sir Samuel Rolles  
 Thomas Arrundel Esq.

Joseph Jane Esq.  
 Sir Philip Parker.  
 Arthur Anslow Esq.  
 George Hartnal Esq.  
 Edward Wingate Esq.  
 Jo. Bellasis Esq.  
 Fra. Newport Esq.  
 Lord Craybourn.  
 Robert Cecil Esq.  
 Sir H. Vane, Mr. Treas-  
 urer.  
 Sir William Litton  
 Sir John Jennins  
 Sir Oliver Luke  
 Anthony Nichols Esq.  
 John Broxholm Esq.  
 John Alured Esq.  
 George Buller Esq.  
 James Fines Esq.  
 Nicholas Weston Esq.  
 Binian Weston Esq.  
 Sir Beauchamp St. Johns.  
 Sir Richard Anslow.  
 Sir John Corbet.  
 Sir John Parker.  
 Sir Robert Parkhurst.  
 Sir Ambrose Brown.  
 Sir Samuel Oldfield.  
 Sir Richard Buller.  
 Alexander Carew Esq.  
 Sir Nathaniel Barnadiston.  
 Sir Henry Baggot.  
 Simon Norton Esq.  
 Samson Evers, Serjeant  
 at Law.  
 Edmund Waller Esq.  
 Sydney Godolphin Esq.  
 John Alford Esq.  
 Charles Williams Esq.  
 Richard Herbert Esq.  
 Sir Edward Alford  
 Sir William Playters  
 Sir Guy Palmes.  
 Sir George Wentworth.  
 Lord Mansfield.  
 Sir William Carnaby  
 Francis Glanville Esq.  
 Sir Jo. Stepney  
 Sir Jo. Brook  
 Jo. Fenwick Esq.  
 William Chadwell Esq.  
 Alexander Lutterel Esq.  
 John Borlace Esq.  
 Sir Henry Slingsby  
 Sir John Cook  
 Thomas Cook Esq.  
 Sir William Pennymann  
 Thomas May Esq.  
 Sir Nicholas Slanning  
 Thomas Jermin Esq.



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sir Rich. Leveson<br>John Griffith Esq.<br>Mat. Davies Esq.<br>John Fettiplace Esq.<br>Geo. Loe Esq.<br>Rich. Edgcomb Esq.<br>Sir Edward Rodney<br>Sir Edward Deering<br>Sir Arthur Haslerig<br>Sir Fra. Barnham<br>Sir Thomas Gervase<br>Robert Wallop Esq.<br>James Rivers Esq.<br>Hevenningham Esq.<br>William Cawley Esq.<br>John Button Esq.<br>Henry Darley Esq.<br>Valentine Walton Esq.<br>Sam. Vassal Esq.<br>Henry Campian Esq.<br>Jo. Mernck Esq.<br>Herbert Price Esq.<br>Thomas Erle Esq.<br>William Marlott Esq.<br>William Drake Esq.<br>Sir Edward Littleton.<br>Sir Henry Ludlow<br>Rich. Harman Esq.<br>Sir John Dryden<br>William Ellis Esq.<br>William Thomas Esq.<br>Jo. Pine Esq.<br>William Jepson Esq.<br>John Horham Esq.<br>Thomas Hodges Esq.<br>Thomas Moore Esq.<br>Godfrey Boswell Esq.<br>Anthony Stapley Esq.<br>John Moyle Esq.<br>William Hay Esq.<br>Ferdinando Stanhop Esq.<br>Thomas Soams Esq. | May 6.<br><br>Sir Will. Dalston<br>Sir Tho. Woodhouse<br>Fra. Godolphin Esq.<br>Framlingham Gawdy Esq.<br>Sir Anthony Irby.<br>George Vane Esq.                                                                                                                                                                                                                             | Robert Hunt Esq.<br>Sir John Howel<br>William Basset Esq.<br>Sir James Thyn.<br>Sir John Strangeways<br>Ralph Godwin Esq.<br>Thomas Bennet Esq.                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | May 7.                                                                                                                                                                                                                                                                                                                                                                      | May 12.                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Lord Wenman<br>Sir Thomas Peyton<br>John Lowry Esq.<br>Sir Thomas Danby<br>Jo. Evelin Esq.<br>Long Esq.<br>Sir Philip Musgrave<br>George Parry Esq.<br>William Morgan Esq.<br>Walter Kirk Esq.<br>Sir Thomas Parker<br>Grantham Esq.<br>Taylor Esq.<br>William Constantine Esq.<br>Jo. Trenchard Esq.<br>Robert Sutton Esq.<br>Jo. Whistler Esq.<br>Anthony Hungerford Esq. | Fra. Buller<br>Mr. Serjeant Hide.<br>Sir Robert Hatton.<br>Fra. Drake Esq.<br>Sir Christopher Hotton<br>Robert Nichols Esq.<br>Sir Fra. K'nollis<br>John Dutton Esq.<br>Nath. Hollow Esq. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             | May 17.                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             | Sir Fra. Popham<br>Alexander Popham Esq.<br>Edward Exton Esq.<br>Lord Mounson<br>Sir Jo. Franklyn                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             | May 18.                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | May 8.                                                                                                                                                                                                                                                                                                                                                                      | Ambrose Monaton Esq.<br>Robert Walker Esq.<br>Sir Richard Brown<br>Sam. Sandys Esq.<br>Hugh Potter Esq.                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             | May 27.                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                             | Ranisborough Esq.<br>Rich. Leigh Esq.<br>Walter Young Esq.<br>Jo. Bamfield Esq.<br>Alexander Rigby Esq.                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | May 10.                                                                                                                                                                                                                                                                                                                                                                     | June 8.                                                                                                                                                                                   |
| May 4.<br><br>Jo. Craven Esq.<br>Robert Crook Esq.<br>Edw. Phillips Esq.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Mich. Noble Esq.<br>Serjeant Cresswell<br>Sir John Holland<br>Sir William Ogle<br>Sir Charles Grosse<br>Sir George Stonehouse                                                                                                                                                                                                                                               | Lord Buckhurst<br>Biss Esq.                                                                                                                                                               |

Upon Wednesday the 4th, Mr. Denzil Hollis was sent up to acquaint the Lords what the Commons had done, and the Reasons moving them to make the Protestation; which he did as followeth.

My Lords,

**T**HE Knights, Citizens and Burgeses of the House of Commons, having taken into their serious Consideration the present Estate and Condition of the Kingdom, they find it surrounded with variety of Pernicious and Destructive Designs, Practices, and Plots against the Well-being

X x x x x 2

wednesday,  
May 4.

Mr. Denzil  
Hollis his  
Speech to the  
Lords about  
the Protestation.



1641.

of it, nay, the very Being of it; and some of these Designs hatched within our own Bowels, and, Viper-like, working our Destruction.

They find Jesuits and Priests conspiring with ill Ministers of State to destroy our Religion: They find ill Ministers conjoined together to subvert our Lawes and Liberties.

They find Obstructions of Justice, which is the Life-blood of every State, and (having a free passage from the Sovereign Power, where it is primarily seated, as the Life-blood in the Heart, and thence derived through the several Judicatories, as through so many Veins, into all the parts of this great collective Body) doth give warmth and motion to every part and member, which is nourished and enlivened by it: but being once precluded, stopped, and seared up, as the particular must of necessity faint and languish, so must the whole Frame of Government be dissolved: and consequently Sovereignty it self, which as the Heart in the Body, is *Primum vivens*, & *ultimum moriens*, must dye and perish in the general dissolution, and all things return, as in the beginning, in *antiquum Chaos*.

They find the propriety of the subject invaded and violated, his Estate rent from him by illegal Taxations, Impositions, Monopolies and Projects (almost upon every thing which is for the use of Man) not onely upon superjuities, but necessities; and this to enrich the Vermin and Caterpillars of the Land, and to impoverish the good Subjects, to take the meat from the Children, and give it to Dogs.

My Lords,

If we find these things so, we must conceive, they must be ill Counsels, which have brought us into this Condition: These Counsels have put all into a combustion, have discouraged the hearts of all true English-men, and have brought two Armies into our Bowels, which (as the Vulture upon Prometheus) eat through our sides, and gnaw our very hearts.

Hinc dolor: sed unde medicina?

Heretofore Parliaments were the Catholicon, the Balm of Gilead which healed our Wounds, restored our Spirits, and made up all the Breaches of the Land: But of late Years they have been like the Fig-Tree in the Gospel, without efficacy, without fruit, only destructive to the particular members, who discharge their Duties and Consciences, no way beneficial to the Commonwealth; *Nobis exitiabile, nec Reipub. profuturum*, as he said in Tacitus; commonly taken away, as Elias was, with a whirle-wind, never coming to any maturity, or to their natural end; whereas they should be like that blessed Old man, who dyeth (*plenus dierum*) in a full age, after he hath fought a good fight, and overcome all his enemies; as the shock of Wheat which cometh in due season, to fill our Granaries with Corn, uphold our lives with the staff of bread.

For, Parliaments are our *panis quotidianus*, our true Bread: all other wayes are but *Quelques choses*, which yield no true nourishment, breed no good blood.

This very Parliament which hath sate so long, hath all this while but beaten the Ayr, and striven against the Stream; for I may truly say, Wind and Tide have still been against us.

The same ill Counsels which first raised the Storm, which almost shipwrackt the Commonwealth, do still continue; they blow strong like the East-wind that brought the Locusts over the Land.

These



*These Counsels cross our Designs, cast difficulties in our way, hinder our proceedings, and make all that we do to be fruitless and ineffectual; they make us to be not Masters of our Business, and so not Masters of Money, which hath been the great business of this Parliament, that we might pay the Armies according to our promises and engagements.*

*For (My Lords) our not effecting of the good things which we had undertaken for the good of the Church and Common-wealth, hath wounded our Reputation, and taken off from our Credit.*

*Is it not time then (my Lords) that we should unite and concentrate our selves in regard of this Antiperistasis and Circumvallation of hurtful and malicious Intentions and Practices against us? (My Lords) it is most agreeable to Nature, and I am sure, most agreeable to Reason, in respect of the present conjuncture of our Affairs: for one main Engine by which our Enemies work our Mischief, is by infusing an opinion and belief into the World, That we are not United amongst our selves; but that, like Sampson's Foxes, we draw several Wayes, and tend to several Ends.*

*To defeat then the Counsels of these Achitophels, which would involve us, our Religion, our King, our Lawes, our Liberties, all that can be near and dear unto an honest Soul, in one universal and general desolation; to defeat (I say) the Counsels of such Achitophels, the Knights, Citizens, and Burgeses of the House of Commons (knowing themselves to be specially intrusted with the preservation of the whole, and in their Consciences perswaded that the Dangers are so imminent, that they will admit of no delay) have thought fit to declare their United Affections, by entring into an Association amongst themselves, and by making a Solemn Protestation and Vow unto their God, That they will Unanimously endeavour to oppose and prevent the Counsels, and the Counsellors which have brought upon us all these Miseries, and fears of greater; to prevent the ends, and bring the Authors of them to condign punishment, and thereby discharge themselves both before God and Man.*

*The Protestation your Lordships shall have read unto you, together with the Grounds and Reasons which have induced the House of Commons to make it, which are prefixed before it by way of Preamble.*

*Then Mr. Maynard read the Preamble and Protestation, and to Admiration so fair was the Appearance with which it generally dazled the Eyes of the less Curious, that the Generality of the House of Peers immediately took it, and Even the Bishops themselves, little imagining that it was to be a future Scourge to the Nation, and particularly to their Function and the Established Religion of the Church of England.*

### The Lords that took the Protestation May 4.

Lord Privy Seal,  
Lord Great Chamberlain,  
Lord High Steward,  
Lord Chamberlain,  
Earl of Cumberland,  
Earl of Huntington,  
Earl of Bath,  
Earl of Hartford,

Earl of Essex,  
Earl of Lincoln,  
Earl of Nottingham,  
Earl of Suffolk,  
Earl of Dorset,  
Earl of Salisbury,  
Earl of Northampton,  
Earl of Warwick,

Earl



1641.

*Earl of Devonshire,*  
*Earl of Cambridge,*  
*Earl of March,*  
*Earl of Carlisle,*  
*Earl of Bristol,*  
*Earl of Holland,*  
*Earl of Denbigh,*  
*Earl of Clare,*  
*Earl of Bolinbrook,*  
*Earl of Westmerland,*  
*Earl of Berkshire,*  
*Earl of Cleveland,*  
*Earl of Monmouth,*  
*Earl of Dover,*  
*Earl of Peterburrough.*  
*Earl of Stamford.*  
*Earl of Carnarvan,*  
*Earl of Thanet,*  
*Earl of Portland.*  
*Lord Viscount Say and Seal,*  
*L. Viscount Conway,*  
*L. Viscount Cambden,*  
*Lord Bishop of Durham,*  
*L. Bishop of Lincoln,*  
*L. Bishop of Gloucester,*  
*L. Bishop of Carlisle,*  
*L. Bishop of Bath and Wells,*  
*L. Bishop of Hereford,*  
*L. Bishop of Bristol.*  
*L. Bishop of Rochester,*  
*L. Bishop of Landaff.*  
*Lord Mowbray,*  
*L. Strange,*  
*L. Willoughby de Eresby,*  
*L. Dacres,*  
*L. De Grey,*  
*L. Hastings,*  
*L. Wentworth,*  
*L. Chandois,*  
*L. Wharton,*  
*L. Rich.*  
*L. Willoughby de Parrham.*  
*L. Paget.*  
*L. North.*  
*L. Hunsden.*  
*L. Kymbolton,*  
*L. Newenham,*  
*L. Brook,*  
*L. Howard de Charleton,*  
*L. Grey de Wark,*  
*L. Deincours.*  
*L. Craven.*  
*L. Lovelace,*

*L. Pawlet,*  
*L. Pierpoint,*  
*L. Coventry,*  
*L. Howard de Escrig.*  
*L. Goring,*  
*L. Dunsmore,*  
*L. Savil.*  
*L. Herbert de Cherberry,*  
*L. Seymour.*

May 5.

*Lord Bishop of Winchester,*  
*L. Bishop of Oxford,*  
*L. Bishop of St. Asaph.*  
*L. Bishop of Ely.*  
*L. Bishop of Peterburrough.*  
*L. Bishop of Lichfield and*  
*Coventry.*

May 7.

*Lord Wilmot,*  
*Lord Newburgh,*  
*L. Chief Justice of the Kings-*  
*Bench,*  
*L. Ch. Justice of the Com-*  
*mon-Pleas.*  
*Baron Trevor,*  
*Crawley,*  
*Weston,*  
*Reves,*  
*Henden,*  
*Foster,*  
*Heath,*  
*Serjeant Ayliff.*  
*Serjeant Glanville.*  
*Sir Edw. Leech,*  
*Dr. Bennet,*

*} Judges.*  
*} Masters of*  
*} Chancery.*

May 10.

*Earl of Danby,*  
*Lord Stanhop,*  
*Master of the Rolls,*  
*Mr. Attorney General.*  
*Sir Robert Rich.*  
*Lord Bishop of Chester.*

May 11.

*Lord Bishop of Chichester.*

This



This Was the first attempt to an *Association* or *Covenant*, and was Ushered in with a pretended Plot; of which more fully in the *Enfuing Collections*, where the Reader will find still more Projects of the same Nature, and of the same Leven and Design, till at last they brought in the *Scottish Solemn League and Covenant*, to which this was but a step or kind of Prologue. It carried indeed a most Specious Design of Defending the Protestant Religion, &c. by all Lawful Wayes, when, Even by the Censure of the Parliament imposing of Oaths, was said to be in Derogation of the King's Prerogative, in the Case of the *Convocation*; and this though called only a *Protestation*, yet was a most Solemn Oath, and being done without the Kings Consent in Parliament, was *Eo nomine* unlawful. And the Use they made of it afterwards to Extirpate Root and Branch of *Episcopacy*, and to pull down the Prerogative, by obtaining the Act of Perpetuity, for the Obtaining of which, these Plots and Fears and Dangers, and this *Protestation* were calculated, will plainly discover that it was not only Unlawful, but of most Fatal and Dangerous Consequence to the Government: Many of those Persons who with too much Precipitation gave attention to this Song of the *Syren*, living to lament their Own and the Ruin of a most flourishing Monarchy, to which this *Protestation* did not a little contribute.

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Thos Smallock  
FINIS.



# ANNALS

OF THE  
PROGRESS OF THE  
HUMAN MIND  
IN THE  
ARTS AND SCIENCES  
FROM THE  
EARLIEST TO THE  
PRESENT TIMES  
BY  
J. G. MILLAR

1791



















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